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House of Representatives

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Oh gracious God, as we seek to do the works of justice in our land, we know that You have called us to be messengers of reconciliation and understanding in all we do. May we build bridges of respect between people and sense the unity that we share by Your hand. Help us to recognize that though we differ on how we will achieve the goals to which we strive, we can honor each person, respect the differences that are ever with us, and seek to strengthen the unity and the bonds of trust that can knit us together as one people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1350. An act to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes.

H.R. 2504. An act to designate the Federal Building located at the corner of Patton Avenue and Otis Street, and the United States Courthouse located on Otis Street, in Asheville, North Carolina, as the ''Veach-Baley Federal Complex.''

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the ''Sammy L. Davis Federal Building.''

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the ''Roman L. Hruska Federal Building and United States Courthouse.''

H.R. 3710. An act to designate the United States courthouse under construction at 611 North Florida Avenue in Tampa, Florida, as the ''Sam M. Gibbons United States Courthouse.''

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record at Reporters.''

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WILLIAM M. THOMAS, *Chairman.*

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H.R. 3546. An act to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3666) ''An Act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.''

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 1875. An act to designate the United States courthouse in Medford, Oregon, as the ''James A. Redden Federal Courthouse''.

S.J. Res. 64. Joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize ten 1-minutes on each side.

A SAD STATE OF AFFAIRS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the Democratic Party finds itself in a very sad state of affairs. Instead of engaging the Republican Party on issues of importance to the American people, liberal Democrats come to the floor of the House engaged in a campaign to destroy the reputation of one man.

But I say to my colleagues, tearing down one man will not elevate the lives of the American people. Engaging in a smear campaign will not ease the worries of working Americans. The voters do not care about the personal insults we hurl at one another on this floor. They care about their children and the future we leave them. They care about the sad state of education in this country. They worry about crime and drugs, and they struggle under the burden of an insane Tax Code.

I ask my colleagues this one question:

Does that venom with which you speak to the C–SPAN cameras reflect well on the House of Representatives?

I urge my colleagues to think first about this Nation and the reputation of this House and leave the personal attacks in the gutter where they belong.

RELEASE THE SPECIAL COUNSEL'S REPORT ON NEWT GINGRICH

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I am not going to call the Speaker a liar. But it is a fact that the Speaker has not been telling the media the whole truth about the findings of the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct has found him guilty of six charges.

And I am not going to call the Speaker a law violator even though it appears that the Speaker participated in a scheme to use nonprofit corporation's tax-free contributions for political purposes. That is against the law.

It is quite clear that the Speaker has instructed ''Stonewall'' not to release the special counsel's report. Why not? Because the report will show that the Speaker——

POINT OF ORDER

Mr LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. CAMP). The gentleman will state his point of order.

Mr. LINDER. The gentleman from Missouri is referring to matters before the Committee on Standards of Official Conduct, which is explicitly against the House rules.

The SPEAKER pro tempore. The Chair sustains the point of order, and the gentleman must proceed in order.

Mr. VOLKMER. Because the report will show that the Speaker is not the lily-white angel his supporters say he is, let us remove this dark cloud that hangs over these Chambers.

NANCY ''Stonewall'' JOHNSON, release the special counsel's report on NEWT GINGRICH.

POINT OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, at what point does the Chair decide that these scurrilous attacks on personalities and this abuse of the House rules becomes so out of order that people are asked to take their seat?

Mr. VOLKMER. Release the report.

The SPEAKER pro tempore As stated on September 8 by the Chair, at some point the Chair will put it to the entire House to determine whether Members who continually violate the rules will continue to proceed in order.

□ 1015

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. CAMP). The gentlewoman will state the parliamentary inquiry.

Mrs. SCHROEDER. Mr. Speaker, is there not a way that the gentleman from Georgia could test the gentleman from Missouri's words if he wished to?

The SPEAKER pro tempore. The Chair will answer that question if that situation arises.

Mrs. SCHROEDER. Parliamentary inquiry, Mr. Speaker. Is there not a customary way that this procedure is normally done, rather than asking the Chair to enforce that?

The SPEAKER pro tempore. The Chair is proceeding under announced established practices at this point.

INTRODUCTION OF THE JACKIE ROBINSON COMMEMORATIVE COIN ACT

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, yesterday I was joined by Congressman FLOYD FLAKE in introducing legislation entitled the Jackie Robinson Commemorative Coin Act. Our bill authorizes the minting of one-dollar coins to commemorate the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson.

Jackie Robinson was, in all respects, a great American. If all Jackie Robinson had done was to integrate baseball, that alone would have ensured his place in history. But Jackie Robinson also made baseball truly the national pastime through his outstanding accomplishments on and off the field.

Mr. Speaker, Jackie Robinson is still admired by millions of Americans today, I ask my colleagues to join me in paying tribute to this great athlete and humanitarian by supporting this legislation.

JACKIE ROBINSON COMMEMORATIVE COIN

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise this morning, along with Mr. BOB FRANKS, to honor the late Jackie Robinson, one of our Nation's greatest historical treasures. We do this by introducing legislation to mint a commemorative coin honoring the 50th anniversary of Jackie Robinson breaking the color barrier in major league baseball.

As we all observe the remarkable pennant and wild card races this week, we should take time out to remember that America's pastime was once not the diverse sport that most Americans enjoy today. Through segregation, African Americans were relegated to the Negro leagues. Although these leagues were considered second rate, the baseball played was of the highest quality. This athletic segregation was the standard for most organized sports, and was a sad reflection of American society in general.

Jackie Robinson, however, became the trailblazer of professional athletic

integration. He was the first of many Negro league stars to play in the big leagues, and he suffered the strains of racism throughout major league ball parks. By successfully bearing this burden, he in fact became a symbol of victory for African Americans, and he carried the torch of equality that lit the flame of equality in America.

Mr. FRANKS and I urge our colleagues to rekindle this flame by cosponsoring the Jackie Robinson Commemorative Coin Act. Join us and our colleagues in the other body in remembering Jackie Robinson's baseball legacy, and honoring him as a great American.

ADMINISTRATION POLICY IS ''JUST SAY NOTHING'' ON DRUGS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, why since 1993 have we experienced such a dramatic increase in the use of drugs among our Nation's children, when just a decade ago we were winning that fight? The answer is simple. We now have an administration that has replaced ''Just say no'' with ''Just say nothing.''

The facts speak for themselves. Since 1993, marijuana use among 12- to 13-year-olds has increased 137 percent. This should not be surprising when we look at this administration's priorities.

Do Members know that they have over 110,000 IRS agents collecting taxes? That is enough to audit almost every person in the State of Texas. Compare that to 12,000 total drug enforcement and border patrol agents that protect our borders. That is taxes over drugs, 10 to 1. This administration must take responsibility for its failed drug policies and stop this epidemic before it destroys our children's future.

IN SOME SCHOOLS RAPISTS GET COUNSELING WHILE 6-YEAR-OLDS GO TO THE SLAMMER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is common sense, schools are under attack. Guns, drugs, rape, even murder. Some schools are so bad they hire police to monitor the hallways and to combat this growing phenomenon.

Schools have clamped down all over the country, as evidenced by an action in Lexington, NC, where the schools suspended 6-year-old Johnathan Prevette for kissing a 6-year-old on the cheek. That is right, Johnathan was cited for sexual harassment.

Think about it. In some schools where rapists get counseling, 6-year-olds are getting busted. Mr. Speaker, it does not take a rocket scientist to figure out what is going wrong in our schools, when murderers and rapists are getting probation and counseling and 6-year-olds are going to the slammer. Johnathan, make sure you do not hug anybody.

I yield back the balance of my friendship that might come out of our schools.

BOB DOLE AND JACK KEMP SHOULD NOT BE COUNTED OUT OF THE PRESIDENTIAL RACE

(Mr. SALMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALMON. Mr. Speaker, last Saturday my alma mater, the Arizona State Sun Devils, took on the No. 1 ranked, two-time defending national champion cornhuskers of Nebraska. The result should be a lesson to all the pundits who have already written off Bob Dole.

The pundits and so-called experts said A.S.U. had no chance against Nebraska. They pointed out that Nebraska had a 37 game winning streak, and that Nebraska had not been shut out in a regular season game since 1973. The point spread, looking a lot like some of the recent presidential polls, predicted that Nebraska would win by 23 points.

Yet Arizona State managed to shut out Nebraska 19–0.

The experts said Arizona State could not beat Nebraska, but the experts were wrong. The experts also tell us that Bob Dole and Jack Kemp do not have a chance to beat a certain liberal currently living in the White House. We Sun Devils know better.

RELEASE THE ETHICS REPORT AND THE WOMEN FROM THE BASEMENT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, we are appealing to you to release the ethics report and to release the women from the basement.

As a New Yorker, I am anguished that the statute of our State's most distinguished leaders—Susan B. Anthony, Elizabeth Cady Stanton, and Lucretia Mott—have remained in the basement of the Capitol for the past 76 years.

Mr. Speaker, almost every great struggle throughout American history is represented in the Capitol's rotunda, including the leaders of those revolutions, Lincoln, Washington, and King.

Exactly 76 years ago American women gained the right to vote, but our great leaders still are not allowed in the living room to stand beside the great male leaders.

Mr. Speaker, American women ask the same question they asked President Wilson: how long must we wait?

PRESIDENT CLINTON'S NEW REPUBLICAN AGENDA

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I guess we should be happy. After weeks of distortions and millions of dollars of AFL–CIO deceptions, and some downright crazy claims about the 104th Congress, the President has finally come clean. His acceptance speech at the Democratic National Convention and his recent campaign speeches trumpeting his support for our agenda and our outstanding successes kind of amazes me.

In fact, the President took credit for 14 different initiatives that Republicans promised. How is that for extreme? Is he stealing Republican ideas, or, as Jay Leno says, maybe he is just borrowing them until after the election. It seems as if the only extremism is the extreme way the President wants to be reelected.

Now his own party must not even know where he stands. As some of my friends on the other side of the aisle say, if you do not like where the President is, just wait a while. I guess they hope he will come around, just like in 1992. I yield back the balance of the President's Republican agenda.

REPUBLICAN LAWMAKERS ATTEMPT TO STIFLE QUESTIONS BY SENIOR CITIZENS AND DEMOCRATS

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, today marks the 1-year anniversary of what I would consider the darkest day of this 104th Congress. Let me set the scene. The Republicans were attempting to cut $270 billion from Medicare, so they could afford to give tax breaks to the wealthiest individuals and corporations in this entire Nation.

One week earlier, a group of senior citizens who purported to be in favor of that plan came into the Committee on Commerce and they dumped letters on the floor in a show of support. It proved out that many of those letters were from people who were deceased, or they were children, or they were nonexistent.

This time senior citizens arrived in the Committee on Commerce to say they were against what was happening and they wanted to simply know why were there no hearings. Our Republicans, fearing the debate, fearing that question, ordered that those senior citizens, some in wheelchairs, some in walkers, some with canes, be arrested, arrested and hauled away by the Capitol Hill police, photographed, and fingerprinted.

Today it is 1 year later. Many of those seniors will be here again. As

that occurs, we should also recognize that the Republicans want to stop the debate from the Democrats, who ask, where is the ethics report on Speaker GINGRICH?

PRESIDENT CLINTON SHOULD DROP CONSIDERATION OF PARDONS FOR WHITEWATER FRIENDS

(Mr. BACHUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS. Mr. Speaker, this May, a Little Rock jury returned guilty verdicts on a total of 24 felony counts against President and Mrs. Clinton's Whitewater business partners, James and Susan McDougal, and the President's successor as Governor of Arkansas, Jim Guy Tucker.

It must have come as great comfort to Susan McDougal and her codefendants earlier this week when, in a televised interview, the President refused to rule out the possibility of pardons for them if he is reelected.

Accordingly, Mr. Speaker, I am introducing today a resolution that would declare that it is the sense of this House that President Clinton should specifically, categorically, and immediately disavow any Presidential pardons for his former Whitewater business partners and to former Governor Tucker. By passing this resolution before we adjourn to go home and face our constituents, we can send the right signal—that in this country, no one is above the law, and convicted criminals do not walk free by virtue of having friends in positions of power.

YOU CAN RUN BUT YOU CAN'T HIDE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, last week the Ethics Committee concluded for the third time that the gentleman from Georgia, NEWT GINGRICH, violated House rules in his use of a political adviser for official business. The committee concludes——

POINT OF ORDER

Mr. CHRYSLER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CHRYSLER. Mr. Speaker, referring to matters before the Ethics Committee, which is specifically forbidden in the House rules, is my point of order.

The SPEAKER pro tempore. The Chair will reiterate the principle in this matter. The Chair will repeat the admonitions of the Chair from June 26, 1996, September 12, September 17, and September 24.

It is an essential rule of decorum in debate that Members should refrain from references in debate to the conduct of other Members, where such conduct is not the question actually pending before the House, by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House.

This principle is documented on pages 168 and 526 of the House Rules and Manual, and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special order speeches.

The fact that a resolution has been noticed pursuant to rule IX does not permit such references where that resolution is not actually pending.

Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another forum of charges that are personally critical of another Member, justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to members of the Committee on Standards of Official Conduct.

As cited on page 526 of the Manual, this also includes references to concluded investigations of sitting Members by the Standards Committee. (July 24, 1970). Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article 1, section 5 of the Constitution, which authorizes each House to make its own rules, and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning in any other place.

On January 27, 1909, the House adopted a report that stated the following: ''It is the duty of the House to require its Members, in speech or debate, to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members,'' from Cannon's Precedents, Volume VIII. at Section 2497. This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to Members' remarks in debate toward the Speaker and each other.

□ 1030

The Chair asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

The gentleman from Georgia may proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, quote, the committee concludes that your conduct of allowing the routine presence in your office of Mr. Jones demonstrates a continuing pattern of lax administration and poor judgment that has concerned this committee in the past, unquote.

NEWT GINGRICH has repeatedly shown his willingness to break House rules to suit his needs. The charges being investigated by the outside counsel, James Cole, are far more serious and involve violations of the law, including tax fraud.

POINT OF ORDER

Mr. CHRYSLER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. CAMP). The gentleman will suspend. The gentleman will state his point of order.

Mr. CHRYSLER. Mr. Speaker, he is referring to matters that are before the House Ethics Committee which are specifically forbidden in the House rules, is my point of order.

Mr. LEWIS of Georgia. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. LEWIS of Georgia. Let me say to the gentleman from the other side, there comes a time when an injustice is so great, when you must even challenge the rule to demonstrate that injustice. I know the gentleman from the other side and the Members from the other side would not like for this report to come out.

The SPEAKER pro tempore. The gentleman will suspend. The Chair again sustains the point of order, and the gentleman will proceed in order.

Mr. LEWIS of Georgia. There now exists a $500,000 report from the outside counsel. Later today or tomorrow, the House will once again consider a privileged resolution I have offered calling for the release of the outside counsel's report. The public deserves the right to see that report. I encourage all of my colleagues to vote for the release of the secret Gingrich ethics report.

ISSUES OF ETHICS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, I appreciate that, and I certainly hope that the Democrats who are so hung up on bringing down NEWT GINGRICH to the extent of breaking House rules in terms of issues in front of the Ethics Committee, will show equal compassion and curiosity when we review the Gephardt ethics allegations and a lot of other ethics allegations on some of their Members. If we are going to bring this House down to such partisan fervency, then maybe my colleagues want to consider that.

Why does the Democrat Party not concern themselves with why the President will not reveal his health care records? Why Susan McDougal will not talk but would rather go to jail even if, as the President has publicly said, a pardon is out there? Why do my colleagues not have any curiosity of who hired Craig Livingstone?

Let us just admit, this is politicking on taxpayer time, with taxpayer equipment, in a taxpayer-paid facility. I

hope my colleagues will also wonder why they do not have drug testing at the White House. If we are going to get into this, Mr. Speaker, this is a double-edged sword and I hope the House does not fall for this.

HOLDING THE LINE ON INTEREST RATES

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, it is not often that I have occasion to rise and commend the Federal Reserve Board, but the decision yesterday to hold the line on interest rates certainly merits commendation.

We all know the Federal Reserve Board is allergic to good economic news. If too many Americans find jobs, the Fed ominously warns of runaway inflation when there is no evidence of inflation, and cranks up interest rates to slow the economy down. The Fed has seemed determined to maintain an unemployment rate, to guarantee an unemployment rate of at least 5.6 percent or more. To keep this in perspective, every percentage point of unemployment represents 1.3 million Americans.

That should be a cause for concern to anyone in this Chamber who has been conscientiously cutting the deficit or scrapping the Nation's social safety net in the belief that their efforts will lower interest rates and put people to work.

So my congratulations to the Federal Reserve for enduring the economic good news with restraint. Hopefully this is a sign that in the future we may be able to begin to count on the Fed to help, not hinder, the effort to improve the lives of all Americans.

And as a consequence of this, Mr. Speaker, I again ask and I join my colleagues in asking that the Ethics Committee stop covering up and release the Gingrich report.

MAJORITY OF CONTRACT WITH AMERICA NOW LAW

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, our friends on the other side would like the American people to believe that this 104th Congress has been a failure and that Republicans are running from the Contract With America. Well, they are wrong, and here is why.

In this Congress, the Republican majority has given the American people tax cuts for small businesses, an adoption tax credit, the Congressional Accountability Act, the line-item veto, unfunded mandate reform, the Personal Responsibility Act, health insurance reform, lobbying reform, the gift ban, welfare-to-work tax credits, food safety reform, et cetera, et cetera, et cetera, and they are now all law. In fact, fully 65 percent of the Contract With America has been signed into law, but some of the most popular measures, like tax cuts for working families, have been vetoed by Bill Clinton.

Mr. Speaker, the Republicans are delivering on our promise to change the spending culture here in Washington DC. In fact, just yesterday when reporters pressed a Member of the Democrat leadership to name another Congress as productive, he could not name one, and he said ''I know there have been several. I will get back to you.''

CAN THE PEOPLE TRUST THIS CONGRESS?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, in these final days of the 104th Congress, the American people need to remember what this Congress has been all about.

Time and again Members of Congress who have tried to speak out on issues of concern to the American people in fact have been silenced. We have seen it today when Members of Congress attempted to discuss the very serious charges of Federal tax fraud documented in an independent counsel's report which the Ethics Committee refuses to release to the public.

A year ago, Republican zeal——

POINT OF ORDER

Mr. CHRYSLER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will suspend. The gentleman will state his point of order.

Mr. CHRYSLER. Mr. Speaker, the gentlewoman is violating House rules by referring to matters before the Ethics Committee which are specifically forbidden by House rules.

The SPEAKER pro tempore. The Chair will sustain the point of order, and asks the gentlewoman to proceed in order.

Ms. DELAURO. A year ago, Republican zeal to silence debate in the people's House resulted in the arrest of senior citizens who came to speak out against Republican plans to cut $270 billion from Medicare to pay for a $245 billion tax cut for the privileged few. And with the Medicare bill still on the chopping block because the Dole plan would require even deeper cuts in Medicare than the $270 billion in Medicare cuts proposed last year, the American people should ask themselves if they can trust this Republican Congress when it is so afraid of the truth, whether it be on Medicare or whether it be releasing the ethics report from the committee.

A GLIMPSE OF THE FUTURE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, last week President Clinton's Interior Secretary, Bruce Babbitt, endorsed a plan to tax anything having to do with the great outdoors. The plan he endorsed called for a 5-percent tax on everything from binoculars to canteens to sleeping bags to birdseed.

Birdseed, Mr. Speaker? What is next? The air we breathe? It is true that Bill Clinton, the great conservative Republican that he is, has backed away from the plan, but is this just a glimpse of the future if Bill Clinton were to stay in power? Higher taxes, bigger government and more regulation. Mr. Speaker, they say it is hard for a leopard to change its spots. It is also hard for liberals to change their tax-and-spend tendencies, as Interior Secretary Babbitt has so eloquently proved.

Mr. Speaker, I believe that if the Clinton administration wins reelection, tax and spend will be back again. Welcome to the future, Mr. and Mrs. America.

CALL FOR RELEASE OF ETHICS COMMITTEE REPORT

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, normally what goes around comes around. Normally people who abuse their positions of power to destroy political rivals in underhanded and dishonest ways ultimately become the victims of their own corruption. The snake that they unleash from their souls invariably comes around to bite them as well. But that natural law of justice has been thwarted in this body. It has been thwarted because Speaker GINGRICH has suppressed the release of an Ethics Committee report that details activities that makes Speaker Wright's improprieties pale in comparison.

Mr. Speaker, we have a number of quotes from Speaker GINGRICH that identify the reasons why Speaker Wright was charged. They are far more applicable to the charges that have been leveled against Speaker GINGRICH. If you take Speaker GINGRICH at his words, we would release this Ethics Committee report today.

TROUBLING STATISTICS RELEASED ON TEEN DRUG USE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, I am greatly troubled by the statistics recently released on teenage drug use. How can we feel good about ourselves as a society when teen drug use has increased 78 percent since 1992? By the time teenagers reach 17, 58 percent know someone personally who uses acid, cocaine or heroin, and 43 percent have a friend with a serious drug problem.

Mr. Speaker, these are daunting statistics. And what makes matters worse is that this administration has done little to combat this rising tide of drug use. The Clinton administration's 1995 budget proposed to cut 621 drug enforcement slots, and although Congress fought most of the cuts, 227 agents still lost their jobs with the Drug Enforcement Agency.

Mr. Speaker, this is a serious problem which demands serious answers. And the only answer we get from President Clinton when asked if he would inhale if he had it to do over again is, ''Sure, if I could. I tried before.''

THE SPEAKER AND ETHICS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, 1 year ago, the Speaker of this House was unable to find a room anyplace in this Capitol Hill complex for the Democrats to have a hearing on Medicare cuts, and so we were outdoors—outdoors—for many long days talking about what they were trying to do behind closed doors. And when seniors came to the Hill a year ago to ask the questions of the committees who were in charge, Speaker GINGRICH had them arrested and we had to go get them out. And now when we have charges against the Speaker that have been analyzed by an outside independent counsel, we are not allowed to see them. What is going on here?

POINT OF ORDER

Mr. CHRYSLER. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentlewoman will suspend. The gentleman will state his point of order.

Mr. CHRYSLER. Mr. Speaker, the gentlewoman from Colorado is violating House rules by referring to matters before the Ethics Committee which are specifically forbidden in House rules.

Mrs. SCHROEDER. May I be heard on the point of order, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman may be heard.

Mrs. SCHROEDER. My question is, what does this House do when not only just a regular Member of the House but the chief officer of the House, the third in line for the presidency, has these serious charges and we cannot see them even though they were publicly funded? Why can we not discuss them on this House floor and why are we told we must go outside to discuss them as we had to do Medicare cuts?

The SPEAKER pro tempore. For reasons previously stated, the Chair sustains the point of order and asks the gentlewoman to proceed in order.

Mrs. SCHROEDER. Mr. Speaker, I thought the gentleman from Georgia [Mr. LEWIS] made a very emotional and correct approach. There comes a time when we all must stand up and say, what are these rules for? Are they to keep the American people from learning the truth?

I am shocked that the United States of America that believes in free speech is gagging Members of Congress about the third most important elected official in America, and I am stunned the other side is insisting on that.

CONFERENCE REPORT ON H.R. 3259, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 529

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1045

The SPEAKER pro tempore (Mr. CAMP). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule is standard for a conference report, and is a fair product given our time constraints as we conclude this session of the Congress. The rule before us waives all points of order against the conference report accompanying the bill H.R. 3259, to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system and for other purposes. In addition the rule provides that the conference report shall be considered as read.

Mr. Speaker, I was honored to have participated in the tremendous effort that led to the completion of this bill. As a member of the House Permanent Select Committee on Intelligence—generally known as HPSCI—I was proud to serve under the tough and fair leadership of my chairman, Mr. COMBEST, in crafting this bill. It is a product I think we can all be proud of, born of bipartisan and bicameral cooperation and negotiation.

Mr. Speaker, I thought my colleague from California, Mr. BEILENSON, put his finger on an important point yesterday in our Rules Committee meeting, as he often does, when he said that no one pays much attention to our Nation's intelligence programs. The truth is that, given the very nature of the topic, intelligence matters do not have a natural public constituency and do not generally arise for discussion around America's dinner tables. But, as Mr. BEILENSON also pointed out, perhaps that is as it should be—and I would argue that fact is a testament to the successes we have had with our intelligence operations, for the most part. Yes, there have been some high profile problems—and we have worked hard to be sure we deal with them expeditiously and effectively. But overall, the way you know that there is good news in the intelligence world is when you hear no news at all. That is how the intelligence business works—the success stories are those that never become stories at all, because good, accurate, and timely intelligence allowed us to prevent bad things from happening.

Mr. Speaker, it is my view that the changing world around us makes good intelligence more necessary than ever before. There are more varied threats and more dispersed targets and the need for us to have well-tuned and properly trained eyes and ears has never been greater. The Intelligence Oversight Committees of this Congress recognize that and have conducted our oversight in a thoughtful and comprehensive manner. In addition to the efforts of our House committee, known as IC 21, which made some very important recommendations for adapting our intelligence capabilities to be ready for the next century, there was also the so-called Aspin-Brown Commission Review, which I was privileged to serve on. These efforts have laid down the groundwork and we now must move ahead in developing consensus and implementing meaningful change. Finally, Mr. Speaker, let me say that everyone understands the intense competition that exists in our finite budget world when it comes to the expenditure of America's tax dollars.

We know that that intelligence is a necessary commodity that saves lives and allows for prudent decisionmaking by our leaders, decisions that are not just involved with the military, although we all know that is a major component, but decisions also in other vital areas, such as fighting terrorism and dealing with the international drug problems.

I think this bill addresses these needs, although I think we must guard against expanding international law enforcement activity at the expense of intelligence operations.

Mr. Speaker, this is a fair rule, and it is a good bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Florida [Mr. GOSS], for yielding the customary half hour of debate time to me.

Mr. Speaker, we do not oppose House Resolution 529, the rule for the conference report on H.R. 3259, the Intelligence Authorization Act for fiscal year 1997, which the gentleman from Florida explained so well. We do, however, have concerns about the waivers of several standing House rules that the resolution provides, and wanted to mention them to the membership.

The resolution protects against possible points of order, provisions that violate rules that prohibit conference committees from including provisions, one, that are outside the committee's scope; two, that are not germane to the legislation; three, that violate the Budget Act; and four, that provide appropriations in a legislative bill.

The resolution also waives the 3-day layover rule, whose purpose is to ensure that Members have the opportunity to examine a conference agreement, and with respect to this particular measure, the classified annex to the report. We are not yet convinced that the House is so short on time just now that disregarding this important rule is necessary.

Many of us believe that we should be much more cautious in general about providing such significant waivers in so routine a fashion. Many waivers are purely technical in nature, and we all know that in order to keep House operations moving along, it is sometimes necessary to exempt some legislation or provisions of legislation from certain standing rules of the House. But Members should at the least be told exactly what is being protected by waivers and the necessity and the reason for them before being asked to vote on a rule granting them.

Mr. Speaker, with respect to the conference agreement itself, we continue to be disturbed about several provisions in the bill, and most especially those dealing with funding levels. Total spending authorized in the conference report exceeds the amount appropriated for fiscal year 1996 by 4.2 percent and is 2.3 percent above the President's fiscal year 1997 request.

We only have to pick up the morning newspapers to be reminded that the world is still a very dangerous place and we must not remain silent without and within our borders. But we are operating under severe and very real budget constraints, and we are suggesting only that intelligence programs and activities should be subject to the same level of severe scrutiny as are other functions of the Federal Government.

A considerable amount of effort, Mr. Speaker, has been spent over the last 2 years on proposals for intelligence reform. We are pleased to see that some steps have been taken in the conference report to enhance the ability of the Director of Central Intelligence to get a handle on spending within the intelligence community. But we do have reservations about the provisions creating, in the name of reform, four new deputy or assistant directors of Central Intelligence who require Senate confirmation.

The legislation creates new assistant DCI's for collection, analysis, and for production, and for administration under a new deputy DCI for community management. However, the legislation only gives these new ADCI's a coordination function. Placing four officials requiring Senate confirmation into an organization of approximately 100 people seems excessive and an unnecessary layer of bureaucracy. In addition, this is an area where the management staff is supposed to be professional or outside politics, and so I express the hope that future Congresses will handle these appointments with a great deal of caution to avoid their politicization.

The conference report also contains a provision that is intended to clarify that law enforcement agencies may request that intelligence agencies collect information overseas on non-United States persons. While we appreciate the fact that many of the most serious national security threats to the United States now arise in the intersections between law enforcement, intelligence and diplomacy, we do hope there will be careful oversight of how these three communities are working together in order to ensure respect for the civil liberties of the people of the United States.

We also have concerns, Mr. Speaker, about the apparent lack of meaningful, substantive reforms to give the Director of Central Intelligence more authority over the intelligence functions of the Department of Defense.

Many of us agree with the blue ribbon commissions that have issued reports advising that the only way to ensure that our national security operations are coordinated, are not being duplicated by another intelligence office, is to put one person in charge of the entire community. Unfortunately, the conference agreement has only very minor provisions designed to strengthen, indeed, very modestly, the authority of the Director of Central Intelligence.

I hope the Congress will revisit this issue next year and be successful in placing authority and responsibility in a single office, so that one person can exercise that authority as necessary.

Mr. Speaker, if I might, ending here, I would like to add a brief personal note. As many of my colleagues know, I had the privilege of serving on the Permanent Select Committee on Intelligence for 7 years, two of those years as its chairman. Those were among the most challenging and rewarding years in Congress for me.

I simply want to thank my colleagues, those with whom I served on the committee, many of whom remain only committee, and those who have followed us, for the dedication and the enormous amount of time and energy they give to the work of the committee, especially the gentleman from Texas, the chairman, Mr. COMBEST, and the gentleman from Washington, Mr. DICKS, the ranking member, and also our mutual friend, and also my colleague on the Committee on Rules, probably the only person around here who has much of a background in intelligence and really knows what he is talking about, the gentleman from Florida, Mr. GOSS, for the dedication and enormous amount of time and energy that they give to the work of the committee. And also I would like to personally attest to the fact that the committee staff is among the best in Congress, and I thank them too, as I know we all do, for helping make this committee outstanding.

Mr. Speaker, to repeat, we are not opposed to this rule providing waivers for the conference report on the intelligence authorization bill. We urge our colleagues to approve it, so we may expedite consideration of the conference agreement.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I understand that the gentleman from California [Mr. BEILENSON] has yielded back the balance of his time, and I have no further speakers, but I would be remiss if I did not take a minute to thank Mr. BEILENSON for his extraordinary service to this House, to his country, to the Permanent Select Committee on Intelligence, to the Committee on Rules, and to his many other endeavors in this institution. He is a credit to himself, clearly, but not only that, he leaves this House better than he found it, and I think he leaves this country better than it was before he started in public service. I am very proud to say that, and count him among my friends.

I demurred from participating last night in the colloquy for Mr. BEILENSON and Mr. MOORHEAD, where many nice things were said, primarily because it was done by Californians. But I want Mr. BEILENSON to understand that Floridians feel the same way, although we have to be a little more circumspect how we say it.

I also wanted to say with the point on the rule that Mr. BEILENSON brought up, the discussion that took place yesterday on the waivers, we did have some conversation on the record in the committee, and much of what Mr. BEILENSON has talked about was testified to by the gentleman from Texas, Chairman COMBEST, and the gentleman from Washington, Mr. DICKS, and I believe has properly been attended to. It is a matter in the classified annex, but I agree with Mr. BEILENSON's general philosophy on that.

I can assure the gentleman that I am satisfied, having participated in some of that, that I think everything is in order, and I know the gentleman would accept the statements of Mr. COMBEST and Mr. DICKS.

Mr. Speaker, having said all that, I have nothing further to add, except I urge support of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COMBEST. Mr. Speaker, pursuant to House Resolution 529, I call up the conference report on the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 529, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 24, 1996, at page H10937.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. COMBEST] and the gentleman from Washington [Mr. DICKS] each will control 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report for H.R. 3259, the Intelligence Authorization Act for fiscal year 1997.

H.R. 3259 authorizes appropriations for the intelligence activities of the U.S. Government. H.R. 3259 makes a modest increase of 2.3 percent over the President's request; it is 2.2 percent higher than last year's appropriation, adjusted for inflation. We continue to believe that intelligence, more than ever, must be our first line of defense, of warning and of analysis. Dollars well-spent on intelligence are, I believe, fewer than dollars we would be forced to spend elsewhere if our intelligence capabilities decreased.

I also wish to call my colleagues' attention to a number of provisions in this bill that will set the intelligence community on the road to a 21st century structure and function.

At the outset of this Congress, the Permanent Select Committee on Intelligence embarked on a major study, IC21: The Intelligence Community in the 21st Century. Committee majority staff produced what I believe is already recognized as a landmark study on how the Intelligence Community can be transformed so as to be best able to deal with the national security issues we may face in the future.

We did not get enacted all of the many recommendations we made. Indeed, I recognized at the outset of IC21 that we were unlikely to get it all done in one Congress. Like so many of the major national security reforms of the past—the National Security Act, Goldwater-Nichols—this is a multiyear, multi-Congress effort.

But I think H.R. 3259 makes a useful start, largely by beginning to give the Director of Central Intelligence the management tools he needs so that his capabilities begin to match his responsibilities as head of the entire Intelligence Community.

Finally, I wish to thank all of the members of our committee on both sides of the aisle who have worked so hard on this legislation, and those Members of the other body with whom we share responsibility for this important legislation. I also want to thank our staff, who have put in long hours and, more importantly, serious and creative thoughts and hard work in the crafting of this bill.

☐ 1100

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the conference report on H.R. 3259.

At the outset I want to commend the gentleman from Texas, Chairman COMBEST, for the effort he has devoted to bringing this legislation back to the House. I also want to join him in complimenting our staff. I think the staff of the Permanent Select Committee on Intelligence is extraordinarily professional and effective and does a very good job for this institution.

The intelligence authorization had relatively smooth sailing in the House last May, but its passage through the Senate was difficult, to say the least. On more than one occasion it appeared likely that there would be no authorization bill for intelligence programs and activities in fiscal year 1997. In my judgment, that result would have been bad for the congressional oversight process and bad for the intelligence agencies.

Chairman COMBEST's persistence and his willingness to compromise when it was necessary, without sacrificing the essence of the positions taken by the House, contributed immeasurably to our having reached this point in the legislative process.

The conference report contains an overall authorization level which is 2.3 percent above the amount requested by President Clinton in part because a significant amount recently requested by the administration for counterterrorism activities is included. Even with this initiative, the conference report is 1.5 percent below the level approved by the House in May.

I believe the increase above the request is justifiable given the costs inherent in many sophisticated intelligence collection systems, and the absolute necessity of ensuring that our policymakers and military commanders have access to the most comprehensive, reliable, and timely information possible on which to base their decisions and actions. Intelligence is expensive, but the cost of not having information about threats to our national security is incalculable.

The Permanent Select Committee on Intelligence devoted a great deal of time in this Congress to the questions of how the intelligence community should be structured for the next century. In that endeavor the committee was joined not only by its Senate counterpart but by the Aspin-Brown Commission, on which I served, and several other groups. Out of these efforts emerged many thought-provoking ideas, some of which deserve further consideration.

What did not emerge, however, was a consensus on the question of whether or not the community needed fundamental organizational change. There was simply no showing and certainly no conclusion by executive branch officials that the current structure hinders the effective conduct of intelligence activities.

The relationship between the Secretary of Defense and the Director of Central Intelligence on intelligence matters, particularly the intelligence budget, is key to the management of the intelligence community. Currently that relationship works. In the absence of any evidence that it cannot continue to do so, there is simply no impetus for radical change.

The conference report does, however, make some changes in the community's structure. Despite my support for the conference agreement, I have reservations about placing additional layers of bureaucracy on the community's organizational charts. It is not all clear what purpose three Assistant Directors of Central Intelligence will serve, nor is it clear what shortcomings in the existing structure they are to remedy.

When the reform process began last year, its stated purpose in the House and in the other body was to produce a more streamlined, flexible intelligence community. I am concerned that what we have done, instead, is to create more Senate-confirmed positions whose occupants will spend most of their time searching for something productive to do.

Despite these reservations, I intend to support the conference agreement because I believe that, on balance, it makes progress in some technical collection areas in which innovation is necessary. I urge my colleagues to give it their support as well.

Mr. Speaker, I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume to make certain the record is complete and say that I join with my colleague from Washington in concerns about the three new deputies in CIA. That was the recommendation made in the other legislative body. We arrived at a conference report which did include that, but I do have those reservations and concerns as well.

Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 6 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, first let me commend the gentleman from Texas, Chairman COMBEST, and the ranking member, the gentleman from Washington, Mr. DICKS, for the comity and excellent relationship they have that enable our committee to be bipartisan, especially in an area that is as critically important to the country as intelligence and national security.

This is a committee that works well together. Sure, we have disagreements and differences in style and sometimes substance, but, in general, both Members make sure that the bipartisanship is there.

Second, let me say that I think this bill is important because it is the first major piece of legislation where the shift into human intelligence is dramatic, the way it should be. As we are going to face challenges that are no longer related to one country but are transnational, problems of international terrorism and drugs and nuclear outlaws and rogue states and economic competition, it is critically important we beef up our intelligence capabilities, our human intelligence capabilities.

It is critically important that we understand Islamic fundamentalism. That is going to take more linguists. To be perfectly candid, it will take more spies. It is going to take more James Bonds. This is something that should not be viewed as being a bit farfetched, but it basically means that covert operations are going to be needed once again to deal with these problems of nuclear nonproliferation and the problems of rogue states and international outlaws and terrorism and narcotics. These problems are transnational.

I think President Clinton very accurately outlined the threats to our country in his speech to the United Nations yesterday in which very proudly the United States led the effort to stop nuclear testing, and the treaty was signed. Only three states did not support this. We are moving in a very important direction, especially since nuclear proliferation is one of the biggest challenges that the Western world and the United States will face in the days ahead.

Mr. Speaker, I support this conference report that provides an authorization for intelligence and intelligence-related activities. I want to highlight one specific section that I had a little bit to do with, section 309 of the conference agreement, which deals with the use by U.S. intelligence agencies of American journalists as intelligence agents or assets.

Section 309 is similar to an amendment to the House bill which I authored and which, after modification by the gentleman from Pennsylvania, Congressman MURTHA, was adopted by a vote of 417 to 6. The enactment of the conference report will place in statute for the first time a policy statement that correspondents or representatives of the U.S. media organizations may not be used to collect intelligence.

Nothing could be more detrimental to the safety of U.S. journalists who work in dangerous places overseas and who by the very nature of their profession must be constantly asking questions and trying to discover information than to be suspected as a spy for the United States. This could have drastic consequences, and in some cases it has.

As I noted when my amendment was debated in the House last May, there is a distinction between reporters as commentators on Government and reporters as instruments of government. The prohibition in this conference report on the use of American journalists as intelligence agents or assets will underscore and strengthen that distinction.

The language in section 309 would not prevent those journalists who choose to provide information to a U.S. intelligence agency from doing so. It also recognizes that there may be extraordinary circumstance in which the prohibition needs to be waived in the interest of our national security. In those rare cases, however, the national security determination must be made in writing and the intelligence committees must be informed.

Mr. Speaker, section 309 is consistent with the independence guaranteed to the press by our constitution, and it is consistent with the proper discharge of our responsibility to protect as best we can American journalists who travel or work in difficult circumstances overseas. I urge that we better ensure the safety of those journalists by passing this conference agreement.

Mr. Speaker, in conclusion, again I want to thank the chairman of the committee for his very liberal and positive use, in my judgment, of allowing me to undertake international missions, sometimes on behalf of the administration, other times on behalf of the committee. He has been extremely cooperative every single time, and I am most grateful.

And to the ranking member, Mr. DICKS, the same thanks for his unyielding support. I want to commend both gentlemen for their bipartisan effort in running this committee.

Mr. Speaker, I support the conference report to provide an authorization for the coming fiscal year for intelligence and intelligence-related activities.

I want to highlight section 309 of the conference agreement which deals with the use by U.S. intelligence agencies of U.S. journalists as intelligence agents or assets. Section 309 is similar to an amendment to the House bill which I authored and which, after modification by Congressman MURTHA, was adopted by a vote of 417 to 6.

The enactment of the conference report will place in statute for the first time a policy statement that correspondents or representatives of U.S. news media organizations may not be used to collect intelligence. Nothing could be more detrimental to the safety of U.S. journalists who work in dangerous places overseas and who, by the very nature of their profession must be constantly asking questions and trying to discover information, than to be suspected of being a spy for the United States. As I noted when my amendment was debated in the House last May, there is a distinction between reporters as commentators on government and reporters as instruments of government. The prohibition in this conference report on the use of U.S. journalists as intelligence agents or assets will underscore and strengthen that distinction.

The language in section 309 would not prevent those journalists who choose to provide information to a U.S. intelligence agency from doing so. It also recognizes that there may be extraordinary circumstances in which the prohibition needs to be waived in the interests of our national security. In those rare cases, however, the national security determination must be made in writing and the intelligence committees must be informed.

Mr. Speaker, section 309 is consistent with the independence guaranteed to the press by our Constitution and it is consistent with the proper discharge of our responsibility to protect as best we can American journalists who travel or work in difficult circumstances overseas. I urge that we better ensure the safety of these journalists by passing this conference agreement.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from New Mexico.

Mr. DICKS. Mr. Speaker, I want to commend the gentleman from New Mexico [Mr. RICHARDSON] for his extraordinary service to the committee. He has undertaken a series of international initiatives which have been completely successful and important to our country. I just want him to know how much I personally appreciate his work and efforts and his tireless energy, especially in the area of human rights and protecting Americans internationally.

Mr. COMBEST. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I would say to the gentleman from New Mexico that this is the first time I have ever been commended for my liberal views, but I appreciate that.

I would be remiss as well, and was planning to rise to pay commendation to the gentleman from New Mexico. I have served with him the entire time I have been on the Permanent Select Committee on Intelligence. In fact, I think the gentleman from New Mexico is serving continuously longer than any other member of the committee.

He has done yeoman work which not only the Congress but the American people are aware of and has traveled extensively, probably our most extensive traveler, but he is quite successful. The only thing I have ever asked of Mr. RICHARDSON when he travels is he bring more back than he took with him, and he has done a great job.

Mr. DICKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise to discuss an important intelligence matter that is not contained in this conference report and, hopefully, I can establish a colloquy with the ranking member, the gentleman from Washington, Congressman DICKS, on this matter.

I am speaking about recent reports that hired CIA operatives sold drugs in the United States to fund the Nicaraguan contra operations in the early 1980's. The crack cocaine operation started by those that were involved in this particular project caused the introduction of the substance to south central Los Angeles and to other inner-city communities.

Now, news of this scandal has spread across America like wildfire, and there has been a flurry of activities around these reports. Today, I would first like to commend Congressman DICKS, along with the gentleman from California, Congressman DIXON, and the gentleman from Texas, Congressman COMBEST, for their response to the request to open investigations around this issue.

I would like to ask Congressman DICKS, who is here with us today, whether or not he feels it is possible for the Permanent Select Committee on Intelligence to provide the kind of investigation that can satisfy the citizens of this country, one way or the other, that our Government, the CIA, DEA, was or was not involved in this kind of activity.

The reason I ask the gentleman this is because of his seniority on the committee. He knows the quality of the work there. There is a lot of suspicion from the calls that I receive that there will not be the kind of investigation that will reap the kind of information that we need to put this issue to rest.

I would like to ask the gentleman whether or not he thinks this committee is up to the chore, up to the job. What can we expect?

Mr. DICKS. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Washington.

□ 1115

Mr. DICKS. Mr. Speaker, first of all, I want to commend the gentlewoman for her attention to this very serious matter. As someone who has a McClatchy paper in my district, when I read these two articles, I was stunned by them. Of course, the conclusions drawn there are done by inference. As you know, the Central Intelligence Agency denies complicity in this series of events.

Having said that, first of all, I think I wanted to give my assurance, and certainly I would like to have the chairman have an opportunity to comment here as well, my assurance that our committee will look into this completely and fully because we take it as a very serious matter.

I called Director Deutch when I read the articles and told him that I thought this was going to be a very serious problem and that he had to personally get involved and find out as much about this as he could.

The Director has done that, and he has asked that. He has also stated that he does not believe that the CIA was involved, but he has asked the independent inspector general to completely look at this matter. That is underway. We are going to have an investigation over the next 60 days.

Then there will be a report to the committee, which we will then look at, as we conduct our own investigation going back and looking at events surrounding the Iran-Contra affair and previous reports that were done on this issue, because this is not the first time that this issue has come up.

Also, I am told that the Attorney General has directed the Justice Department's inspector general to also conduct an investigation into the Department's knowledge and involvement, if any, in this issue, the involvement of the CIA in this issue. So we have the Justice Department looking at this; General McCaffrey has also said, the drug czar for the President, that they are looking at it; and the Director of the CIA and this committee and our counterpart in the Senate I assume will look at it as well.

I hope for the sake of the American people that we are able to investigate this matter. I hope and pray that the story is not accurate. I think it would be a devastating blow to the intelligence community, to the country, and to thousands of Americans who have been affected by crack cocaine if this, in fact, proved to be true or if there was even knowledge about it and no action was taken at the time.

I will just give the gentlewoman, the only pledge I can give you is that the minority member of the Select Committee on Intelligence, the gentleman from California [Mr. DIXON], has been very much involved. We will vigorously pursue this to try to find the truth and to present it to the American people.

Maybe the gentleman from Texas [Mr. COMBEST] would like to enter into this at this juncture.

Mr. COMBEST. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, just to make certain that there is a complete record, first of all, all of the assurances that the gentleman from Washington has given, I certainly stand behind and support. Congressman DIXON, a member of our committee, is the first Member of the House that brought this to our attention. I think that was simultaneous with the gentlewoman's understanding of the potential problem. The assurances were given at that time to Congressman DIXON that there would be a complete investigation. The staff was asked to embark immediately on a full, thorough, and tenacious investigation.

There are a number of other reports and investigations this committee has done that are not mentioned in this conference report either. So it is not that we are sliding your concerns about this matter. Those are matters that would not be normally brought up in a conference report.

I would also like to mention to the gentlewoman, and, Mr. Speaker, I will include in the RECORD a letter that the gentlewoman from California [Ms. WATERS] sent to me, a response that I sent to her in regard to the committee's actions and the fact that the Central Intelligence Agency had begun an IG's report, had also contacted the Attorney General as well; and a letter to me from the Speaker in which he references a contact that he had received from Ms. WATERS and his concerns and his requests that the committee report back to the Speaker, who is ex officio on this committee as well, so that there is a complete paper trail in this discussion on the part of the CONGRESSIONAL RECORD about the committee's interests, the Speaker's interest, the gentlewoman's interest, the interest of the gentleman from Washington, Congressman DIXON's interest. It is a matter that I hope as well does not prove true, but it is not one that we have any preconceived discussions or decisions about. We will investigate it with all vigor.

I thank the gentlewoman for yielding.

Mr. Speaker, I include for the RECORD the letters to which I referred:

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 1996.

HON. LARRY COMBEST,
Chairman, House Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN COMBEST: Enclosed is a letter and enclosures I have received from Congresswoman Maxine Waters concerning a recent series of articles that appeared in the San Jose Mercury News that allege CIA involvement in the introduction, financing and distribution of crack cocaine in Los Angeles.

I request that your committee investigate the allegations contained in these articles in an effort to determine the truth of the matter. I would appreciate your reporting to me the findings and conclusions of your investigation as soon as they are available.

Thank you for your attention to this matter.

Sincerely,

NEWT GINGRICH,
Speaker of the House.

Enclosure.

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC. September 18, 1996.

Hon. MAXINE WATERS,
Cannon Building, Washington, DC.

DEAR REPRESENTATIVE WATERS: I am writing in response to your letter of September 17, 1996, concerning press allegations about CIA assets being involved in crack cocaine distribution in California.

I have already instructed the staff of the Intelligence Committee to investigate these allegations and have sent letters to DCI Deutch and Attorney General Reno requesting the cooperation of their agencies with our efforts.

I know you have seen the press reports that DCI Deutch has instructed the CIA Inspector General to investigate these allegations as well. I think this is a worthwhile

step. It has been Committee practice to withhold any final statements on issues of this sort until the Inspector General has reported. I think it is prudent that we follow this course on this issue.

I understand your concern and appreciate your interest. Please feel free to contact me or the Committee staff director, Mark Lowenthal, if we may be of further help on this matter.

Sincerely,

LARRY COMBEST,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 1996.

Hon. LARRY COMBEST,
Chairman, Permanent Select Committee on Intelligence, The Capitol, Washington, DC.

DEAR MR. COMBEST: I call your attention to an astonishing series of articles which appeared August 18–20, 1996 in the San Jose Mercury News. This report traces the origins of the crack cocaine trade in South-Central Los Angeles to the early Central Intelligence Agency (C.I.A.)–directed effort to raise funds for the Contra rebels seeking to overthrow the Nicaraguan government in the early 1980s. The CIA-connected agents who smuggled cocaine into the United States, converted it into crack, and sold it on the streets of Los Angeles. They subsequently expanded their business into other inner city neighborhoods throughout this country.

Because of their seriousness, I believe these charges must be examined, in detail, as quickly as possible by Congress. As the chairman of the Intelligence Committee, I believe you can begin this process.

What is being alleged is that portions of the United States government—in particular, members of our intelligence community—may have exposed, indeed introduced, the horror of crack cocaine to many American citizens. I, and many people in communities across America, are horrified by the documented travails of these activities. As policymakers, we have an obligation to uncover the truth in this matter.

I believe Congress, and in particular the United States House of Representatives, must take swift, serious, and forceful action to show the American people we are determined to examine the allegations leveled by these reports. Moreover, we must show our determination to punish the drug dealers who have literally destroyed thousands of American families through the horrors of crack cocaine and the violence associated with it.

I understand we are approaching the end of this session of Congress. However, I believe these charges are so serious that they warrant Congress' immediate attention, even if that necessitates extraordinary procedures.

I look forward to working with you on this most serious matter. your committee is charged with one of the most important responsibilities in Congress. With your help, I believe we can start a process that will give us answers to the serious questions raised by the San Jose Mercury News. Thank you in advance for your cooperation.

Sincerely,

MAXINE WATERS.

Mr. DICKS. Mr. Speaker, if the gentlewoman will continue to yield, I would also like to insert in the RECORD a letter that the chairman and I sent to Mr. Deutch. I do not believe that was mentioned by the chairman.

I would also like to put in the RECORD a response that was given to us from John Moseman, director of congressional affairs, and also another letter that was sent to me by Mr. Deutch after I had talked to him on the phone about this issue on, late in August, just to complete the RECORD.

The letters are as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, September 4, 1996.

Hon. NORMAN D. DICKS,
Ranking Democratic Member, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. DICKS: As you and I discussed in a 4 September conversation, allegations have been made by the San Jose Mercury News that the Central Intelligence Agency engaged in drug trafficking to support the Contras in their effort to overthrow the Sandinista government in Nicaragua. Specifically, the Mercury News alleges or infers a relationship between the Agency and drug smuggling activities in which two Nicaraguan nationals, Oscar Danilo Blandon Reyes and Juan Norwin Meneses Cantarero, were engaged.

I consider these to be extremely serious charges. The review I ordered of Agency files, including a study conducted in 1988 and briefed to both intelligence committees, supports the conclusion that the Agency neither participated in nor condoned drug trafficking by Contra forces. In particular, the Agency never had any relationship with either Blandon or Meneses, nor did it ever seek to have information concerning either of them withheld in the trial of Rick Ross.

Although I believe there is no substance to the allegations in the Mercury News, I do wish to dispel any lingering public doubt on the subject. Accordingly, I have asked the Agency's Inspector General to conduct an immediate and thorough internal review of all the allegations concerning the Agency published by the newspaper.

I will write again to report to you when the Inspector General's review is completed. I have asked that the review be finished within 60 days.

An similar letter is being sent to Chairman Combest.

Sincerely,

JOHN DEUTCH,
Director of Central Intelligence.

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC. September 17, 1996.

Hon. JOHN M. DEUTCH,
Director of Central Intelligence,
Washington, DC.

DEAR DR. DEUTCH: We have read with concern the recent series of articles that appeared in the San Jose Mercury News alleging Central Intelligence Agency involvement in the introduction, financing and distribution of crack cocaine into communities of Los Angeles. According to the articles, these activities were undertaken to provide a continuing stream of support to the Nicaraguan Democratic Resistance in their efforts to overthrow the leftist Sandinista government.

These allegations, if true, raise serious concerns about the activities of the United States intelligence community in support of the Nicaraguan Democratic Resistance. To effectively discharge the responsibilities of this Committee, we have instructed the staff to undertake an investigation of the charges leveled in the Mercury News. In order to complete this undertaking it will be necessary for staff to review certain documents in the possession of the CIA and to interview relevant Agency personnel. In this regard, we request that necessary information and personnel be made available to the Committee staff. The documents necessary for the Committee to complete its investigation will be specified as the investigation proceeds.

Allegations of the sort contained in the Mercury News erode public confidence in the Central Intelligence Agency. While we commend your decision to have the Inspector General investigate this matter, the Committee must conduct its own inquiry as part of its oversight responsibilities. Your cooperation in this matter will be greatly appreciated.

Sincerely,

LARRY COMBEST,
Chairman.
NORM D. DICKS,
Ranking Democratic Member.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, September 17, 1996.

Hon. NORMAN D. DICKS,
Ranking Democratic Member, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. DICKS: I am writing in response to your letter of 6 September 1996 to Director Deutch, in which you expressed concern about recent press allegations that the Central Intelligence Agency engaged in drug trafficking in association with the Contras in Nicaragua. We appreciate the concern noted in your letter and stand ready to assist you and the Committee in your review of these extremely serious charges.

The briefing that Agency officers provided to you and Mr. Dixon on 11 September 1996 conveyed our assessment that the Agency neither participated in nor condoned drug trafficking by Contra forces. As the Director has stated, though, we believe it is essential to dispel any public doubt on this subject. In particular, the Director shares your view that the extent and disposition of any knowledge by CIA officials of Contra involvement in drug trafficking must be assessed.

As you know, the Agency Inspector General (IG) has launched an investigation of the allegations and we will keep you apprised of progress and results of that work. Beyond the IG effort, however, I want to reiterate Director Deutch's assurances that we will cooperate fully with you and the Committee in any inquiry you may conduct.

Sincerely,

JOHN H. MOSEMAN,
Director of Congressional Affairs.

Ms. WATERS. Mr. Speaker, I would like to thank the chairman and the ranking member for the cooperation that they have shown thus far in moving toward this investigation. It has been mentioned on any number of occasions that we have had these kinds of investigations, but this one, I think, is very special and different.

While in the past there has been some mention of drugs, there has not been an investigation that tried to determine whether, in fact, there was an introduction of large amounts of cocaine into south central Los Angeles and spread out among the gangs in south central Los Angeles and further to other gangs in other cities, and the proceeds from this drug activity being given to the Contras to fund the FDN.

So it takes a little bit of a different turn here when we look at whether or not CIA operatives were involved in this drug trafficking into inner-city areas. And of course my interest is well known. Part of my district is south

central Los Angeles, where that is identified in the San Jose Mercury News report, and part of that district that I represent is plagued with crack cocaine addiction, crack-born babies, violence, gang warfare, turf warfare.

So if I seem a little bit overzealous on this issue, I beg your understanding. It is something that is near and dear to me and an issue that I really do feel we need to get at in this Congress. We have had the so-called war on drugs, but as I read through the records and I see where there was a lot of drug activity around this Contra funding and where we have had operatives involved with drugs who ended up getting off with no time, little time, and all the conversations and the notations in some of the diaries of leading figures in this activity, I want you to know that it leaves me no choice but to be overzealous and to be very, very persistent and to work cooperatively with all of you to try and keep people focused on this new link, this direct link, of drugs into the inner cities.

And maybe it will help us to create a real war on drugs, not just rhetoric, not just public relations efforts, but a real effort by the Congress of the United States to rid our communities of drugs and crack cocaine, one of the most awful drugs that any human being could have ever introduced.

Mr. COMBEST. Mr. Speaker, if the gentlewoman will continue to yield, one other matter that I think would be pertinent to mention at this time: The gentleman from Ohio [Mr. STOKES], who in fact at one time was chairman of this committee and was a member of the Iran-Contra Committee, we understand there is a letter on its way to the committee from Mr. STOKES requesting that he be granted access to documents during the time he served as chairman to further investigate part of the Iran-Contra papers.

I have discussed this with Mr. DICKS and we have, are going to take that up with the where the committee would have to vote to approve that. The committee will have absolutely no objection to that and will take that up this afternoon at a hearing at 2:00, assuming that we have that letter. So we are trying to move as expeditiously as possible to help Mr. STOKES in his inquiries as well.

Ms. WATERS. Mr. Speaker, it is my understanding that, as chairman of the committee, you automatically have subpoena powers; is that correct?

Mr. COMBEST. The gentlewoman is correct.

Ms. WATERS. And that you may choose to use those subpoena powers at any point in your investigation and your hearings?

Mr. COMBEST. The gentlewoman is correct.

Ms. WATERS. I thank the gentleman very much. I just wanted to put that on the RECORD, because the question has been asked of me by people calling in.

Mr. DICKS. I want to commend the gentlewoman for her leadership on this issue and tell her that we will work very closely with her.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, as the discussion just concluded indicates, a free and democratic country such as ours faces a peculiar predicament in trying to deal with secrets, with spying, with the activities of the intelligence community in a way that is as consistent as possible with our democratic values and the principles of open government. It is a ticklish and delicate responsibility that this committee undertakes on behalf of the full membership of the House.

I just want to commend both the gentleman from Texas, our chairman, and our ranking member from Washington State and the fine staff that the committee has for this ongoing effort.

One of the things that we are able to talk about in debate and in the open is the efforts that are ongoing to try to deal with the system of classification of national security information. This bill continues the effort that has been under way for a couple of years now to push the intelligence community, both with regard to greater discipline in classifying information and improved activity toward declassification of old material or material that no longer really has national security significance, so that as much as possible we can bring the records of this Government into the public domain, when they present no further risk to national security, and honor as much as we possibly can the important principle that this is the people's government and they ought to know as much as they can about what goes on.

Related to that is, again, an important provision in this bill that continues the efforts that have been under way for a couple of years as well, to bring into public domain and access, information gathered through our intelligence assets that relate to very pressing global and domestic environmental issues.

I think we all recognize that much of this country's foreign policy and national security issues will derive directly or indirectly from the pressures of environmental degradation, population growth, all that goes with that.

It is important that we make available to the civilian community, the folks outside the national security establishment, as much of the information as we can relating to these issues that happens to have come into our possession through overhead imagery and other assets that the intelligence community has.

This bill, along with pushing on declassification in general, also increases the funding levels for moving some of this material out of the classified realm and sharing it with appropriate agencies of government, civilian researchers, and others that can put to productive use this very significant information that we happen to acquire through out intelligence capabilities. I want to thank again Mr. COMBEST and Mr. DICKS for their willingness and help in bringing the bill along in this respect.

I urge adoption of the conference report.

Mr. DICKS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE], my good friend and colleague.

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to refer to the conversation that took place earlier regarding the crack situation, the articles of crack cocaine being brought in to fund the Nicaraguan war.

There are two points I would like to make: One, that did not just happen in east Los Angeles. It is my understanding from this article that a notorious drug dealer who plagued Portland, OR, the gangs moved into Portland, OR, and they brought the crack cocaine, is also implicated in this issue. So this is a nationwide problem that every one of us needs to be concerned about.

The second issue I would like to bring to the chairman and the ranking member is an issue of immigration. We are going to deal with an immigration bill later today, but I wanted to quote from a judge who talked about a notorious person, a Mr. Meneses, who was very involved in this. He was arrested in 1991 in Nicaragua. The judge, Judge Martha Quezada, said, ''How do you explain the fact that Norwin Meneses, implicated since 1974 in the trafficking of drugs, has not been detained in the United States, a country in which he entered, lived, departed many times since 1974?''

The contras who were funded with this drug money had their base camps in Honduras at the time. There are allegations that some of them were involved in cases of disappearances in Honduras. Right now, in a landmark case, Honduran military officers have been indicted for their involvement with human rights violations and their trial is pending. Some of those military officers had very close ties to the contras.

During the early 1980's the United States sent millions of dollars to the Honduran military as a bulwark against the Sandinista government in Nicaragua and against the guerrillas in both El Salvador and Guatemala. We built and operated military bases, airfields, and sophisticated radar systems on Honduran territory. The United States Government also helped to establish, train, and equip a special military unit which was responsible for kidnapping, torture, disappearance, and murder of at least 184 Honduran citizens; students, professors, journalists, and human rights activists.

Human rights investigators have been thwarted by a dearth of information within Honduras. Our Government has records that would be useful to those in the Honduran Government who are attempting to bring justice and prosecute those who are guilty of human rights atrocities.

Mr. Speaker, I want to stress the importance of declassification of documents, the funding for which is authorized in this conference report. The State Department has provided

some initial documents to the Honduran Government. My colleagues, Mr. LANTOS and Mr. PORTER, cochairs of the Congressional Human rights Caucus, are circulating a letter to the President right now that asks for declassification of documents that will help shed light on the situation of human rights abuses in Honduras during the time of our contra-drug connection.

I urge my colleagues to sign Mr. LANTOS' and Mr. PORTER'S letter, and to continue our quest for truth in the morass of problems caused by United States involvement in war against the Nicaraguans.

☐ 1130

So I want to congratulate the chairman and the ranking member for taking this so seriously because it really does implicate so many of the institutions we hold in such high esteem in this country, and I want to say that the citizens of Portland, OR, are extremely concerned that these drugs came into our fair city and have so hurt the lives of young people.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM], a member of the committee.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me. I am very concerned about the allegations I have heard discussed this morning about the CIA having had a role in drug trafficking back during the Iran-contra period, mainly because I do not personally think there is any truth to it and I have some personal knowledge about it.

I recall that when I was the ranking member and when we were in the minority on my side of the aisle and I was the ranking member of the Crime Subcommittee of which I am now chairman, then-Chairman Bill Hughes of New Jersey and I spent 2 years investigating the question that is raised by the newspaper accounts that have been reported this morning. We sent committee staff actually live down into the Nicaraguan scene to investigate these allegations. A lot of time, staff time, was spent, and the net result of the 2-year investigation was there was no substantial credible evidence that this occurred.

Mr. Speaker, what we have out here this morning and what we have seen discussed in the last week or so are some newspaper accounts of a statement made by a known criminal in California in a case which has been released to the public now where he has made these allegations, but there is no corroboration of it. I understand that Mr. Deutch, who is the director of the Central Intelligence Agency, has said he will thoroughly look into this again, but I feel very confident that based on what I know and having been through this process for 2 years with an investigative team, that there is going to be no credible evidence turned up to corroborate this.

I do not doubt there may have been some drug dealing by somebody who was in some way connected historically with a group that was involved with the contras, but to say they were out there raising money at the behest of the U.S. Government, the CIA was helping them, and that kind of innuendo, I think is putting the horse before the cart and making some conclusions or suggested conclusions that just are not warranted at this time, and I would urge my colleagues to refrain from jumping to any conclusions about this matter.

Let the CIA do its investigation.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I would like to caution the gentleman, before he takes such a tough stand in defense of the CIA, that there has been testimony under oath in Federal court in northern California by Mr. Blandon that he indeed under oath said he worked for the CIA, and it is also recorded and documented that he was a known drug dealer.

So I want to caution the gentleman that there is testimony under oath in Federal court by one of the CIA operatives, and the gentleman from Florida needs to know that.

Mr. MCCOLLUM. Mr. Speaker, I want to reclaim my time and say, so one person has said this under oath; I do not doubt he has. I am suggesting his credibility is seriously in question, has been all along. We knew about Mr. Blandon at the time that we did our investigation in the Subcommittee on Crime several years ago, and that was one of the primary reasons why we did the investigation, was because of this whole trail.

I am not saying it is not possible, and I am not saying that we should not have the CIA look into it. I am happy they are doing it. All I am suggesting is that this morning there has been nobody questioning these articles. In this discussion we have been sounding like we are taking it as probably true. I think it is probably not true, but we will wait and find out. But my judgment from what I know of it is it is probably not going to be corroborated.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I just want to caution the gentleman not to do exactly what he is cautioning everybody else not to do. Everybody else has talked about allegations. It is the gentleman who has come to the floor and sprung instinctively to the defense of somebody that we have not even charged with doing anything other than ''let's investigate,'' and for the gentleman to come to the floor and say I have concluded that I do not think these allegations have any basis is the gentleman doing exactly what he is cautioning us not to do.

Mr. MCCOLLUM. Reclaiming my time, I have not concluded anything. I am telling my colleagues that at the time we spent 2 years investigating this very subject matter in the Subcommittee on Crime there was no credible evidence to corroborate the allegations that were made. If there had been, we would have been putting it forward back several years ago, and what is now being put on the table in public knowledge in court is very comparable to what we had 2 years ago; and I just doubt, and I am not saying I am concluding it, but I doubt seriously further investigation is going to turn up more, but I am happy to have further investigation. I just do not want it to go past today with all these comments being spread on the record, with innuendoes out there, with the impression being left everybody who knows anything about this in Congress thinks it might be true. I think it in all probability is not, but I do not know that for a fact, just like I was not sure a 100-percent back when we did the investigation. But we sure did not turn up anything, and we spent a lot of time looking for it.

Mr. COMBEST. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from Texas [Mr. COMBEST] has 23 minutes remaining, and the gentleman from Washington [Mr. DICKS] has 2 minutes remaining.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. DICKS], and I ask unianimous consent that the gentleman from Washington be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DICKS. Mr. Speaker, I approrpiate that courtesy and I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the chairman and the ranking minority member of the committee for their expressed interest in the issues that have been raised this morning by the gentlewoman from California and Oregon.

We are aware of a recent series of articles that appeared in the San Jose Mercury News which once again draws very disturbing attention to allegations that the Central Intelligence Agency during the early years, the decade of the 1980's conspired with former members of the Samosa government in Nicaragua to bring into this country large quantities of cocaine, and that cocaine traffic was used to finance the early years of the war that was lost by the contras against the Nicaraguan Government; and furthermore, that those large quantities of cocaine were distilled into crack cocaine, and that crack cocaine eipidemic then swept from California and the West Coast all the way across this country and constituted the worst epidemic of drug abuse that we have seen in the history of our Nation.

This is an issue that needs detailed, thorough examination.

The reason these stories persist is because prior investigations by this body and other bodies have failed to reach into the very depths of the problem and uncover precisely what went on here.

I am not suggesting that there was a coverup, but what I am suggesting however is this: that there was an inadequate investigation by the Iran-Contra Committee and by other investigative bodies that looked into this issue in the past.

This issue will not die, it will not go away until it is resolved once and for all, until we get to the very bottom of it, until we know precisely and exactly what occurred, and it is critical that we do so because the veracity and authenticity of very important agencies within this Government are at stake, and until we know exactly what happened and who was involved in it and what went on, this issue will not rest.

It is the responsibility of this Congress to look at this matter and to look at it with the utmost care, concern and in the greater depth and detail, and I am very grateful that we have had these expressions of support in this regard from both the chairman and the ranking member this morning. This is something that we have to get to the bottom of.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI] who is a valued member of our Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Speaker, I thank our ranking member for giving me this time today and for his leadership, as well as that of the gentleman from Texas [Mr. COMBEST], of the Permanent Select Committee on Intelligence.

While we do not always agree on many of the issues before the committee, I do want to associate myself with the comments that went before regarding the investigation of the potential drug Contra crack cocaine into the United States and especially into the African-American community.

Before I go into that, though, I want to associate myself with the remarks of my distinguished colleague, the gentleman from Colorado [Mr. SKAGGS], that he made on the declassification issue and on the environmental issues related to the resources of the intelligence community and to thank him for his leadership on those two scores, as well as others, that come before our committee. They are both very important, and in the interest of time I will just associate myself with his remarks and spend my time on the issue of the crack cocaine.

I think it is perfectly appropriate that we have the exchange that we have had. Certainly we do not want to just make accusations, we want to see what is real about them in order for us to keep faith with the American people, with the intelligence community, and as my colleagues know, that is a big order.

I would just like to say that when I first came to Congress, which was 9 years ago, shortly thereafter we had a conference in our community, headed up by Dr. Cecil Williams of the Glide memorial to see why we had this epidemic of crack cocaine among African-American women. There were those in the African-American community who thought, and others of us who shared their view, that there was an attempt to target these women as well as targeting the African-American family. It seemed like an act of the devil, and I had hoped that it was not true, and I still do hope that it is not true.

So that is why when the articles came out in the newspaper and we heard other rumors of this, it rang true, it related to something, and hopefully again it is not true, but it does beg the question. If the Central Intelligence Agency was not involved, and let us hope they were not, did they know that the Contras were involved in drug trafficking at a time when the United States was funding the Contras? If they did not know, if the Central Intelligence Agency did not know that the Contras were engaged in drug trafficking to get money, why did they not know? Is it not the business of the Central Intelligence Agency?

So while I respect the first response that we have received from Director Deutch, whom I hold in high regard, I do think that we have to look into this, and that is why I was so pleased to hear our chairman, the gentleman from Texas [Mr. COMBEST], respond to the gentlewoman from California [Ms. WATERS] that the subpoena powers would be available; that is my understanding, and that I thank the gentlewoman from California [Ms. WATERS] for her leadership and the gentleman from New York [Mr. HINCHEY] for speaking out on this issue.

But we are at a crossroads. Much has been said about the end of the cold war and the rest. We are at a crossroads now where we look at the intelligence community and say why are we committing *x* number of billions of dollars in resources to this? Why is it justified? And there has to be a justification in this stiff competition for the dollar.

At the same time, we have to have confidence We want our President, whoever that President is, to have the best possible intelligence to help make his decisions to help make the world a safer place. We do not want to see us going into a place where intelligence funding is justified by economic espionage or other things that are not appropriate to it; those that are appropriate in the realm of the economy, sure, but not just across the board.

And at this very time we have this very serious question about the integrity of the intelligence community in the past decade, of the CIA in the past decade, at a time where this Congress was divided in a way that new Members have not even seen the likes of.

So I want to associate myself with those, especially the gentlewoman from California [Ms. WATERS], who have expressed grave concern about this issue and again leave on the table the question if this did occur, let us find out, and if it was occurring, this transfer, the sale of crack cocaine for money for the Contras was taking place, and the CIA did not know about it, why did they not know about it?

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEWIS], a valued member of the committee.

Mr. LEWIS of California. Mr. Speaker, I thank very much my chairman for yielding me this time, and I must say that I would like to associate myself with many of the remarks of my colleague from California [Ms. PELOSI] who serves with me on the Permanent Select Committee on Intelligence. She could say, as I would, that very much of our work is done behind closed doors.

☐ 1145

During the short time that I have been on the committee, I am amazed at the number of hours that we spend looking at these agencies that are so important to our country.

Mr. Speaker, I would start with that comment. The FBI and the CIA and agencies that relate to intelligence work are critical to the interests of our country here at home as well as in the world.

In this time of very significant change in the world, the President needs now more than at any other time excellent sources of information available to him as he represents our interests here at home, but especially abroad. I must say that because we meet behind closed doors, ofttimes the stories of the successes of those agencies are not heard about, let alone told or believed.

On the other hand, I can certainly understand the concern of many of my colleagues, like the gentlewoman from Los Angeles, CA [Ms. WATERS], about the potential impact of any government activity that might affect a community that we would hope to serve here in this Congress, especially as it relates to drugs. Stories in a newspaper are one thing. Believing those stories automatically is another. For goodness sakes, in my own campaigns I have seen stories developed by so-called reputable people that I wish somebody would question before they conclude.

Having said that, it is very, very important that we recognize the impact of drugs upon our society, and not allow a story like this to take our eye off the ball. The ball involves those people who make a living importing drugs and then delivering them to our communities. We should take our gangs and the repeated sellers and throw the key away when they are killing our young people because of their activities.

It is very important that we recognize that the President knows well the successes of these agencies and knows

of their importance to his work. At the same time, we in the committee are committed to doing everything we can to make sure if there is any agency involved in this sort of linkage, that they be taken to the wall.

There is work to be done here. Most of it must be done in our intelligence room. I would urge my colleagues not to deal with the extreme sensationalism that is here, that sometimes gets headlines that we all kind of love. In the meantime, it is very important for America that we deal with this responsibly.

Mr. DICKS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to respond to the gentleman from California [Mr. LEWIS], and say that I completely agree with him that we should not be taking at face value anything we read in the newspaper, especially something of this gravity. However, we do need to look beyond the headlines. I do not take him to say anything other than that.

I wanted to make one more point. In our Committee on Appropriations last week we had a big item for interdiction, hundreds of millions of dollars we spent for interdiction. We are spending that on the intelligence community to keep drugs out of the United States, and at the same time we do not know, we might not know about one very, very egregious example of drugs coming in which we should have been aware of, that we may have been party to. I think it is a very serious issue.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS], and I ask unanimous consent that he may yield that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD], a new Member who is very concerned about this subject and has talked to me about it on several occasions.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I have come down because I was just getting back to my office when I recognized my colleague, the gentlewoman from California [Ms. WATERS], speaking to this whole issue that we have been plagued with in south central Los Angeles. I, too, represent the heart of Watts, Willowbrook, and Compton, those areas that were ravished by this insidious act.

While I was sitting here watching the gentleman who spoke about his inability to think that the CIA was involved in this, I had to come down to say we cannot conclude whether they were involved or not involved, but it is a serious issue that we must call up for a thorough investigation.

I join the ranks of all of the Members who have spoken this morning, because when we find crack babies lying in hospitals, when we find children who are trying to go to school and who are unable to be educated because of the mental incapacity that they have, when we have a community that has been totally destroyed, we cannot help but to come to this body to ask for a thorough investigation.

I join the ranks of all of the Members who have spoken this morning, because when we find crack babies lying in hospitals, when we find children who are trying to go to school and who are unable to be educated because of the mental incapacity that they have, when we have a community that has been totally destroyed, we cannot help but to come to this body to ask for a thorough investigation.

This has now become not just a south central Los Angeles problem or a California problem. Members heard the gentlewoman from another part of the northern States, I think Oregon, who spoke on this issue. This is a national problem. I think it is incumbent upon this body to ask for and demand a thorough investigation of this drug trafficking into south central and into other urban areas of this country.

We can ill afford to have a community think that we will not pay close attention nor will we take this very seriously and look into the allegations that are very startling in the San Jose Mercury News.

I join with all of the Members who have spoken this morning, I join with my colleague, the gentlewoman from California, Ms. MAXINE WATERS, in asking that this be brought to the forefront and that we get down to the bottom of this very insidious act that has plagued our communities and that has absolutely destroyed a whole community. I urge Members to pay close attention, and I call on my colleagues for a thorough investigation of this insidious act.

Mr. DICKS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member of the committee very much for yielding time to me.

Mr. Speaker, in responding to the gentleman from California, let me acknowledge that we do not have to make a broad-based attack on the intelligence community. All of us acknowledge the importance of national security.

However, we must stand aside from the intelligence community and demand an investigation of the bad actors that have been alleged to have conveyed and transported dangerous and devastating drugs throughout the entire Nation, that have resulted in the loss of lives throughout my community and the loss of lives of young children and babies and families and destruction. We must now demand an investigation and have one.

I ask my colleagues to join us in agreeing with those who have spoken that we have a full investigation of these devastating charges of crack cocaine being brought in by CIA agents and others.

Mr. DICKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, I would just say, in my 8 years on the committee, one of the highlights has been the opportunity to get to know people who work in the intelligence community, not only in the United States but around the world. They do it knowing that and hoping that their successes and endeavors will not be on the front page of the paper. They do it because they are true patriots. They are people who literally put their lives on the line for this country and the national security of this country, and have done a remarkable job. I wish it were possible to talk about the successes that this country enjoys from the hard, dedicated, and very dangerous work these people do.

Mr. Speaker, I ask that Members support this conference report.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to concur with the gentleman from Texas. In my service on this committee, and as a member of the Committee on Appropriations over the years, the professionalism, the competence, the hard work, and the dedication of the people in the intelligence community is extraordinary. They have done a tremendous service for this country.

Having said that, I still believe we have to look at these charges seriously. I will remind everyone here that there were some extralegal questionable activities during this whole Iran-Contra period run right out of the White House. So it is conceivable that there may be some explanation besides the one that the San Jose Mercury has come up with. That is, again, another reason why we need to get to the bottom of this.

Even if it was not the CIA, I am very interested to know, how did crack cocaine get introduced into this country, who was behind it. And maybe that is not even our jurisdiction, but that is something this Congress should be interested in as well. I appreciate the gentleman yielding. I urge Members to pass the conference report.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I only want to point out to the House that part of our responsibility in this committee is to see to it that, indeed, we understand and recognize our role in dealing with the issue of the hiring, the retention, the promotion of minorities and women and

the handicapped in the agencies that we oversee.

There have been allegations made public in the past that indeed the NSA, the CIA, the Department of Defense, and others may not have been doing the kind of job we want them to do.

Thanks to Chairman COMBEST's leadership and that of the ranking member, the gentleman from Washington, Mr. DICKS, there have been a series of hearings over the past several years in acquiring and achieving the kind of data that will show that this Congress does take very seriously its charge from this House that we intend to do what the President of the United States, Bill Clinton, said when he took office. That was that we wanted our Government to reflect the diversity that is America. I want to thank publicly Chairman COMBEST for permitting those hearings.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express my strong opposition to the conference agreement on the Immigration and Nationality Act. This conference report goes far beyond efforts to curb illegal immigration in this country by unfairly targeting legal immigrants and promoting discrimination among U.S. citizens as well.

Once again the proponents of the anti-immigration sentiment in this country are using the banner of illegal immigration to impose injustice on those immigrants legally in this country—immigrants who pay taxes, contribute millions of dollars into our economy, abide by the same laws we do, and are even eligible to be drafted into the military. Yet this conference report, like the welfare bill before it, singles out legal immigrants by effectively denying them access to Federal programs.

Specifically the conference report subjects legal immigrants to deportation if they use any means-tested Federal assistance—Federal assistance in which eligibility is based on income—for more than 1 year in the aggregate. Practically speaking this provision bans legal immigrants from any Federal assistance program based on income level—student financial aid, federally funded English classes, job training, health and assistance under Medicaid, or other Federal programs.

It just escapes me why we would want to punish a legal immigrant for pursuing education or job training and making an effort to become an even more productive participant in our economy and society.

The proponents of today's measure are the same people screaming for English only legislation. They state that people in this country should learn English, people can't succeed in this country if they don't know English, yet on the other hand they support this conference report which could cause the deportation of legal immigrants because they utilize a year of federally funded English classes. One can only surmise that the intention here is not to help legal immigrants assimilate into American society but to keep them out of our country altogether.

The conference report limits legal immigration by putting a new arbitrary income barrier to family immigration into this country. It establishes a new income requirement of 200 percent of the poverty level for anyone who seeks to sponsor a parent, sibling, or adult child, and 140 percent for those sponsoring a spouse or minor child.

This provision goes against the very principle of family reunification and would deny low-income families from reuniting with their own minor children and other family members. This is an egregious example of discrimination against the poor. It says that we only care about reuniting families of a certain income level, and that because you are poor you do not deserve to be reunited with your family. I can think of nothing that is more anti-American and antifamily.

It is not only legal immigrants who are hurt under this conference report, but also U.S. citizens who will be subject to more discrimination with limited remedies for violations of their rights.

This conference report makes it more difficult for prospective employees to bring discrimination cases against an employer. A job applicant must now prove that the refusal of a job is a result of intentional discrimination, a higher legal standard than is currently required. This provision will affect U.S. citizens who look Asian or Hispanic, who will no doubt be singled out for greater scrutiny and discrimination, with very limited remedies available to them.

It gets even worse, because the conference report does not include language in the House-passed bill which would have allowed American workers who lose their jobs because of government computer errors concerning their immigration status to seek compensation. This means if someone is mistakenly discriminated against, loses their job because of a computer error, they have no way to seek just compensation.

This is not a theoretical argument, because it is already happening in our education system. Even before the passage of this bill students of Asian and Hispanic ethnic heritage are experiencing heightened scrutiny and delays because of extra measures to verify their citizenship status. Student loan checks for student loans are being revoked because of mistakes in the Social Security system, even though these students are U.S. citizens and their only crime is being born of Asian/Pacific or Hispanic ethnic origin.

It pains me to think that we have come to a place in our society that we must single out anyone who looks different or speaks differently and make them second-class citizens in this Nation. This is where this immigration bill takes us.

Mr. Speaker, many of us want to tackle the problem of illegal immigration in this country, but not at the expense of the rights of legal immigrants and citizens. I urge my colleagues to vote against this mean-spirited bill.

Mr. DINGELL. Mr. Speaker, we should be meeting here today to discuss a bipartisan bill to better protect American jobs, public services, and our borders. We have missed that opportunity. We are now faced with a bill, H.R. 2202, introduced after closed-door Republican sessions, that could damage our borders, hurt American workers and their families, and increase the burden on our taxpayers.

Jobs are the magnet attracting illegal immigrants, and it is a criminal network of employers who hire these workers at the expense of unemployed Americans. We must make it clear to those rogue employers, who are willing to cheat hard-working Americans out of employment opportunities, that their behavior will not be tolerated.

Instead, this bill lessens the penalties against those who skip over American workers to hire foreign workers. It also reduces the number of inspectors we wanted to put in the field to combat this illegal behavior. If you are a U.S. citizen, willing to work hard and make an honest living, you may still lose out due to the growing number of employers allowed to flaunt the law and hire cheaper illegal immigrants without the real risk of punishment under the law.

Mr. Speaker, existing laws limit the ability of legal immigrants to become public charges. However, the harsh deeming requirements in H.R. 2202 will deny many legal immigrants assistance they should be entitled to. I say entitled, not only because they are legal residents who pay taxes and are eligible for the draft, but because they pay far more in taxes than they use in public services.

The Urban Institute conducted a study which found that legal immigrants pay $40 billion more in taxes than they collect in public assistance. Similar studies have shown that legal immigrants are less likely to collect public assistance than U.S. citizens. And the conservative Federal Reserve Bank of New York published a study which shows that immigrant families contribute approximately $2,500 more in taxes than they obtain in public services.

In addition, it appears that the anti-environment 104th Congress had to attack our environmental laws one more time in their mad rush to adjourn. The provision, deemed even by my pro-environment Republican colleagues to be outrageous, would inflict a loss of power for States and local governments anywhere along thousands of miles of our Canadian and Mexican borders to build fences, roads, or other infrastructure.

As a representative of a Canadian border district, I cannot support legislation which casts aside opportunities for public participation under the National Environmental Policy Act [NEPA] so that local communities and citizens in Michigan could have a say before the INS decides we need a giant fence to separate ourselves from our Canadian neighbors. Indeed, Speaker GINGRICH has received word from the attorney general, the Secretary of the Interior, and the chair of the President's Council on Environmental Quality that the administration objects strongly to this weakening of environmental standards.

Mr. Speaker, previous experience teaches us that: limiting services to legal immigrants can risk public health and safety, as well as raise costs; limiting employment enforcement provisions costs American's jobs; and limiting environmental protections under Federal statute can place our communities' health and well-being at needless risk as a result of incompetent legislation.

I urge support for Democratic efforts to fix some of the more obvious errors in the bill through the motion to recommit, and barring its acceptance, I urge rejection of the conference report.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to the conference agreement on H.R. 2202, the immigration reform bill.

Mr. Speaker, this bill is often described as an effort to improve border enforcement and employment eligibility verification, but, in fact, it goes far beyond these widely-supported elements to attack legal immigrants in the United States, as well as the rights and health of all Americans, citizens and noncitizens alike, and our commitment to international human rights.

Of course, this very unfortunate conference agreement is the result of the Republicans' negotiating and writing a new bill behind closed doors, with no input from Democrats—even those who were initially supporters of immigration reform—during either the negotiations or the actual public meeting of the conference committee!

The employment provisions in this bill are simply wrongheaded. First, the bill defies logic by failing to improve enforcement of our Nation's wage and hour laws despite the fact that unscrupulous employers hire undocumented immigrants precisely so they can overwork and underpay them. Better wage and hour enforcement is the best deterrent both to this exploitation and to the jobs magnet. Next, computerized employment verification systems invite the creation of national databases on every citizen and resident of the United States, without offering safeguards against improper use or disclosure of information or any recourse if the information provided to a potential employer is simply wrong. Moreover, the bill strips from our immigration law existing antidiscrimination provisions, which were originally enacted three decades ago because it was a fact that minority citizens and residents were discriminated against in the employment process.

As illogical as it may sound to my colleagues, while legal immigrants would remain eligible for certain public assistance under this bill, and many have worked and paid taxes to support public assistance and other government programs, they could be deported for actually using the benefits for which they are eligible. Worse, the deeming provisions could bar legal immigrants from receiving even emergency medical services under Medicaid. Legal immigrant children are at particular risk. They may be priced out of eligibility for means-tested programs such as Head Start or job training by deeming. Or they may be frightened away from participation in other programs such as housing, child care, or even health care lest they become deportable.

And any immigrants who, despite sponsor income and the threat of deportation, actually receive services—even emergency services or services to children—must pay the government back before they will be allowed to become naturalized citizens. I guess in the Republicans' view of American citizenship, only the rich need apply.

The conference agreement includes provisions that neither House nor Senate adopted and that conferees were not permitted to strike, that explicitly deny publicly-funded medical care for immigrants who test positive for HIV. There is no reason to treat HIV and AIDS differently from other communicable diseases such as tuberculosis or influenza except raw prejudice. This is also totally counterproductive to our efforts to control the AIDS epidemic in America.

If enacted, these public assistance provisions, which are far more extreme than the already alarming provisions in welfare reform, will cause either a vast increase in human misery in this country or, more likely, a vast cost-shift to State and local governments and to churches and charities, including our already overburdened nonprofit hospitals.

This bill would raise the income levels required to sponsor a child or spouse, sibling or parent, to levels that would disqualify 40 percent of all American families, both citizen and noncitizen, from bringing their families together in America. I guess Republican family values are not for hardworking families of modest means, but only for the wealthy.

This conference agreement would also undermine our commitment to protect people fleeing from real persecution by restricting their ability to make their case for admission and denying them a hearing and judicial review. Hundreds of bona fide refugees could be returned to their persecutors under this bill.

Mr. Speaker, this bill, like so many others presented by the Republican majority over the last 2 years, goes far beyond what Republicans claim to be its purposes and into the ugliest sort of politics. It is designed and intended to drive wedges into the population and to exploit some people's fears of people who look or sound different.

This bill is shockingly cruel and will do real harm. I urge all my colleagues to vote to defeat this conference agreement. If it is adopted, I implore the President to stand up to the demagogues and veto it. That is the right thing to do.

Mr. DURBIN. Mr. Speaker, I rise in opposition to the conference report on the Immigration and Nationality Act. I support genuine immigration reform, to end illegal immigration and protect American workers from employers who knowingly hire illegal immigrants and put Americans out of work. I regret that the conference report which is now before the House does not meet the standard of genuine immigration reform.

The United States cannot afford to absorb all those who want to settle in our country. I support continued funding of our existing efforts to deter illegal immigration. I have voted for provisions to strengthen the laws, including doubling the number of border patrol agents and increasing the number of work site inspectors to enforce laws against the hiring of illegal aliens. And I support efforts to prevent abuses in enforcement and ensure that enforcement efforts conform to our civil rights and our laws of justice.

Most Americans are immigrants or the descendants of immigrants. Legal immigrants have made and continue to make significant contributions to America's scientific, literary, artistic, and cultural resources. As the son of an immigrant, I believe America's strength is in its diversity. It is in our national interest to build upon that strength through a system which maximizes the positive opportunities legal immigration affords by allowing qualified immigrants to participate in our economy and share their talents and strengths with our communities. Family unification should be one of the key guideposts for evaluating immigration reform proposals.

I voted for the immigration reform bill which was passed by the House in March. It was not a perfect bill, but it would have made needed changes in the law to stop illegal immigration. It would have doubled the number of border patrol agents; permanently barred those who previously entered the country illegally from ever being legally admitted; increased the number of work-site inspectors to enforce laws against the hiring of illegal aliens; and streamlined the deportation process.

The conference report which is now before the House is worse than the bill passed by the House in March in several ways. For example, the bill that was passed by the House retained civil penalties for employers who knowingly hire illegal immigrants. But the conference reports which is now before the House removes the civil penalties against employers who knowingly hire illegal immigrants, which will make it easier for unscrupulous employers to hire illegal immigrants and put Americans out of work.

I support effective and reasonable income-deeming requirements on the sponsors of legal immigrants who apply for public benefits. At the same time, I believe that immigrants and refugees who live legally in the United States, and contribute to our country's progress just as all of our ancestors have done, should not be discriminated against in the area of public assistance.

The conference report is worse than the bill passed by the House in its treatment of legal immigrants. For example, the conference report would allow the deportation of battered women and children, who are legal immigrants, if they receive public shelter and counseling for more than 1 year. The House-passed bill exempted shelter and counseling for battered women and children.

I voted for the immigration reform bill that passed the House because I believe that illegal immigration is an urgent problem that must be addressed by this Congress, and I had hoped that the bill would be improved as it moved through the legislative process. Instead, we find that the Republican leadership has decided to turn the effort to reform our Nation's immigration laws into a cynical political game.

I urge my colleagues to vote to recommit this bill to the conference committee. Reject this conference report, and instead bring genuine immigration reform legislation to the House before Congress adjourns.

Mr. DUNCAN. Mr. Speaker, just yesterday, the Knoxville News-Sentinel reported that a Tennessee Highway Patrolman stopped a van on I–75 which contained 25 illegal immigrants.

The arresting officer attempted to contact the INS but could not even get a person to answer the phone at the Memphis INS office.

He was quoted in the paper as saying: ''Immigration just took the phone off the hook.''

He repeatedly attempted to contact INS officials but all he got was: ''360 degrees of answering machines.''

So what did the trooper do? All he could do, he let illegal aliens go. Simply, he had no legal authority to detain them.

This is the sixth time this year that illegal aliens have been stopped by local authorities in my district and had to be released.

Six different vans containing at least 130 illegal immigrants have been let go because of the INS' refusal to act. When local officials have talked to INS, they were told that there were no funds available to send INS officers to arrest, detain, and deport these illegal aliens.

The INS has received a 72-percent increase in funding in the last 3 years, which is approximately eight times the rate of inflation over

that period. Almost no other Federal agency has received that type of increase in recent years.

With this increase in funding, local officials have a right to be outraged by INS' inaction. I agree with them completely. One sheriff in my district has told his deputies to not even bother questioning individuals they stop to determine if they are illegal aliens because of the INS' inaction.

Have things gotten so bad that law enforcement officials have no choice but to, in effect, condone the breaking of the law?

The six vans that I am referring to are only those reported by the local media. Just think how many other illegal aliens travel through Tennessee without being caught.

The Clinton administration bureaucrats seem unwilling to correct this situation. Mr. Speaker, I am outraged. Who do these INS bureaucrats work for, themselves, or the taxpayers?

The nearest INS office to my district is located in Memphis, 450 miles away. INS claims that they cannot apprehend illegal aliens in east Tennessee because it will cost too much to round them up.

Last spring, I asked the INS to open a branch office in east Tennessee or at least a more centrally located office in middle Tennessee. Despite my repeated requests, they have been very unresponsive and unwilling to provide service to east Tennessee.

I have met face to face with INS officials in Washington to inform them of what is going on in east Tennessee, and I have made dozens of calls about this disgraceful inaction.

In fact, this is not the first time I have had to contact the INS. Several years ago, the Sheriff's Department in Loudon County contacted me about a problem they were having with the INS and illegal aliens.

After months of work and literally dozens of phone calls from my office, the INS finally responded to our concerns. In Operation South Paw, the INS conducted a series of raids that resulted in the apprehension of many illegal aliens working in my district. I am glad that the INS finally took action, but the reluctance on their part to fulfill their mission of deporting illegal aliens is inexcusable.

After my most recent meeting with the INS, I was informed that the INS would add two trainees to the Memphis office. This would be an improvement, but this is not enough. Middle and east Tennessee desperately need more INS officials who will enforce the law.

However, I am glad that H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act, includes language Congressmen CHRIS COX and LAMAR SMITH and I incorporated into the House version of this legislation.

Our language, insofar as arrest and detention, will allow local law enforcement officers to act as INS officials since it is obvious that INS officials won't take action.

Specifically, it will allow law enforcement agencies to enter into agreements with the Justice Department so that local officers will be able to function as an immigration officer in relation to investigation, apprehension, or detention of illegal aliens.

I want to thank Congressmen CHRIS COX and LAMAR SMITH who worked with me in formulating this language and for the House and Senate conferees for including this language in the final version of this bill.

Mr. Speaker, I believe this legislation will help to solve the problem of illegal immigration and I urge its passage.

Mr. BUNNING of Kentucky. Mr. Speaker, it is time to take back our borders and cut off the stream of illegal aliens currently flooding across them. This can only be done by increasing the number of border patrol guards and Immigration and Naturalization Service [INS] agents. The Illegal Immigration Reform and Immigrant Responsibility Act provides over 5,000 border guards and increases the number of INS agents by 300. This additional manpower will give a significant boost to current Republican initiatives such as Operation Gatekeeper and Operation Hold the line which were started under President Bush and have clearly demonstrated their effectiveness in keeping illegal immigrants out of our country.

Unfortunately, no matter how much we try to tighten down our borders, some illegal aliens will slip through the lines. But, even though they may get by our first line of defense this bill will make it more likely that they will be hunted down and deported by the joint efforts of local, State and Federal law enforcement agencies. In addition to the increase in manpower that this bill provides, H.R. 2202, gives law enforcement agencies the technological resources and jurisdiction powers to locate illegal immigrants and deport them expeditiously.

Lastly, this bill makes a conscious effort to reform our legal immigration system. Most importantly it will hold sponsors of legal immigrants financially responsible for their guests in our country. As Congress has taken efforts to crack down on ''deadbeat dads'', H.R. 2202, will crack down on ''deadbeat sponsors''. In doing so, we will save millions of welfare dollars, which are now being collected by legal aliens.

This bill is not the end-all of immigration reform, but this bill, coupled with the Republican welfare bill which was recently signed into law will go a long way in slowing the tide.

I urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Speaker, I intend to vote in favor of the conference report on H.R. 2202, the illegal immigration bill, because it includes many important provisions to help the United States get control of its borders: 5,000 new Border Patrol agents, stricter penalties for alien smuggling and document fraud, and procedural reforms that would make it easier to deport people who have abused our hospitality. I strongly support these provisions.

Mr. Speaker, we no longer live in an age when everyone from anywhere in the world who would like to live in the United States can do so. In an age of instant communication and easy transportation, border control has become not just a national prerogative but a practical necessity. Particularly when it comes to illegal immigrants, the American tradition of generosity is tempered by commitment to fairness and orderly procedures.

I am pleased that the House deleted provisions in the bill that would have imposed drastic cuts in the numbers of legal immigrants and refugees. The House adopted my amendment to delete a provision that would have imposed a statutory cap on the number of refugees who can be admitted into the United States. The cap would have been 75,000 in fiscal year 1997 and 50,000 in each year thereafter—less than half the number we admitted in fiscal year 1995. This may sound like a fairly high number, but even at their current levels, refugees are only about 8 percent of those who immigrate to the United States each year. Proportionally, refugees would have taken an even bigger hit than family or business immigrants. The cut would have hurt people who are in trouble because they share our values: ''old soldiers'' and religious refugees from Vietnam, Christians and Jews from extremist regimes in the Middle East, Chinese women who have fled forced abortion, and those who have escaped the tyranny of Fidel Castro. So I am pleased that the House adopted the Smith-Schiff-Gilman-Schumer-Boucher-Fox-Souder amendment to preserve the American tradition of providing safe haven for genuine refugees.

Unfortunately, the bill still contains provisions that subject legal immigrants, refugees, and U.S. citizens to unnecessarily harsh treatment. I think in particular of the requirement that a U.S. citizen must earn 140 percent of the official national poverty level in order to sponsor other family members. This provision leaves the unfortunate impression that family reunification is a luxury for the well-to-do, rather than a fundamental and laudable goal of millions of American families.

An even more unfortunate provision, section 633, would explicitly authorize the State Department to discriminate, by race, gender, and nationality in the processing of visas for legal immigrants.

The case of LAVAS versus Department of State, which this provision would attempt to overrule, is a carefully reasoned opinion by Judge David Sentelle, a highly respected Reagan appointee to the U.S. Court of Appeals for the D.C. Circuit. It reflects the court's shock and dismay that the State Department was violating Federal statutes as well as its own regulations by practicing nationality-based discrimination in order to force legal immigrants from Vietnam—typically the immediate relatives of United States citizens—back to the country they had fled.

The tragic consequence of the State Department's position is that many of those who have returned to Vietnam, on the assurance that their immigrant visas will be expeditiously processed by the United States, have languished for months or years because hostile and corrupt Vietnamese Government officials have refused to give them exit permits.

Fortunately, the harsh effects of section 633 can be cured by regulation, or even by sound administration. The President should direct the State Department to change its policy and to process these legal immigrants—and never, never again to discriminate invidiously by race, by gender, or by national origin.

Despite these and other deficiencies in the bill, I am voting in the affirmative, not only because I support the provisions that are directed against illegal immigrants, but also because of two provisions that cure important deficiencies in current law.

Mr. Speaker, the anti-terrorism bill passed by Congress in April contained several provisions that had nothing whatever to do with terrorism. One of these sections provided for the summary exclusion of persons attempting to enter the United States without proper documentation.

It is important that we exclude persons who would abuse our generous immigration laws, and it is important that the process of exclusion be a speedy one. It is also important,

however, that the process be fair—and particularly that it not result in sending genuine refugees back to persecution.

The counterterrorism legislation provided that no person shall be summarily excluded if, in the opinion of an asylum officer at the port of entry, he or she has a credible fear of persecution. Unfortunately, the definitions of ''asylum officer'' and of ''credible fear of persecution'' were not as clear as they might be. H.R. 2202 goes at least part of the way toward the necessary clarity.

In particular, the antiterrorism legislation defined an asylum officer as someone who has ''professional training'' in asylum law, country conditions, and interviewing techniques—but did not state how much training or what kind. The immigration bill makes it clear that this training is to be equivalent to that of members of the highly respected Asylum Corps. The best way to ensure that this standard is met is to provide by regulation that only experienced members of the Asylum Corps—people who by training and experience think of themselves as adjudicators rather than as enforcement officers—will exercise the extraordinary power to send people summarily back to dangerous places.

I think it should also be clear that our asylum officers will need to be very careful in applying the ''credible fear'' standard. In a close case, they must give the benefit of the doubt to the applicant. There are also some countries—such as Cuba, China, North Korea, Iran, and Iraq—in which persecution is so pervasive that almost any credible applicant would have a significant chance of success in the asylum process.

I hope that regulations will be promptly adopted that explicitly provide for these and other safeguards in the expedited exclusion process. In any event, however, the current legislation is a substantial improvement over the regime that would go into force on November 1 if this legislation were not adopted.

Finally, Mr. Speaker, section 601(a)(1) of the conference report will restore an important human rights policy that was in force from 1986 until 1994. It would simply provide that forced abortion, forced sterilization, and other forms of persecution for resistance to a coercive population control program are ''persecution on account of political opinion'' within the meaning of U.S. refugee law.

Restoration of asylum eligibility for these victims of persecution is supported by human rights advocates from across the spectrum. Protection for these refugees has also enjoyed wide bipartisan support in Congress. Section 601(a)(1) is identical to section 1255 of H.R. 1561, the Foreign Relations Authorization Act, which passed both the House and Senate but was vetoed by the President for reasons unrelated to this provision. Section 601(a)(1) is also identical to the DeWine amendment to the Senate immigration bill, which enjoyed broad bipartisan support in the Senate but was withdrawn after objections had been raised to its germaneness under postcloture rules. Finally, the Clinton administration, which initially opposed this provision, recently announced its support.

As in every other asylum case, an applicant under this provision must prove his or her claim. Contrary to the cartoon being promulgated by opponents of this provision, we would not have to let in 1.2 billion people. In fact, during the Reagan and Bush administrations the number of people granted asylum on this ground was usually less than 100 per year, and never more than 200 per year.

Mr. Speaker, this provision merely states the truth. Forced abortion, forced sterilization, and other severe punishments inflicted on resisters to the PRC program are persecution on account of political opinion. PRC officials have repeatedly attacked resisters to the Chinese program as political and ideological criminals. The infliction of extraordinarily harsh punishment is also generally regarded as evidence that those who inflict such punishment regard the offenders not as ordinary lawbreakers but as enemies of the state.

Forced abortions often take place in the very late stages of pregnancy. Sometimes the procedure is carried out during the process of birth itself, either by crushing the baby's skull with forceps as it emerges from the womb or by injecting formaldehyde into the soft spot of the head.

Especially harsh punishments have been inflicted on persons whose resistance is motivated by religion. According to a recent Amnesty International report, enforcement measures in two overwhelmingly Catholic villages in northern China have included torture, sexual abuse, and the detention of resisters' relatives as hostages to compel compliance. The campaign is reported to have been conducted under the slogan ''better to have more graves than more than one child.''

The dramatic and well-publicized arrival in 1993–94 of a few vessels containing Chinese boat people has tended to obscure the fact that these people have never amounted to more than a tiny fraction of the undocumented immigrants to the United States. The total number of Chinese boat people who arrived during the years our more generous asylum policy was in force, or who were apprehended while attempting to do so, was fewer than 2,000. This is the equivalent of a quiet evening on the border in San Diego.

Nor is there evidence that denying asylum to people whose claims are based on forced abortion or forced sterilization will be of any use in preventing false claims. People who are willing to lie in order to get asylum will simply switch to some other story. The only people who will be forced to return to China will be those who are telling the truth—who really do have a reasonable fear of being subjected to forced abortion or forced sterilization. The solution to credibility problems is careful case-by-case adjudication, not wholesale denial.

Opponents add rhetorical punch to the asylum-as-magnet argument by asserting that treating forced abortion victims decently will be a unique incentive to smuggling and criminal gangs. Everyone is against smuggling. But let's prosecute the smugglers. Let's not take it out on the victims. The passengers on the St. Louis who were forced back to occupied Europe in 1939 were smuggled aliens too.

Finally, we should be extremely careful about forcibly repatriating asylum seekers to China in light of evidence that a number of those sent back by the United States since 1993 have been subjected to ''re-education camps,'' forced labor, beatings, and other harsh treatment.

The passage of this legislation, despite its defects, should be good news for the dozens of people who are still being detained by INS, even though they were found to have testified credibly to a well-founded fear of forced abortion or forced sterilization—or even that they have already been subjected to these procedures. People whose claims were rejected under the discredited case of Matter of Chang and its progeny should be released from detention immediately, and their asylum cases should be reheard under the rule that is restored by this law.

Mr. Speaker, the problem is not people fleeing persecution, and it is not people who obey our immigration laws. The problem is illegal immigration. The solution is to cut illegal immigration from 300,000 per year to zero, and to provide speedy deportation proceedings for millions of illegal immigrants who have abused our hospitality.

As President Reagan said in his farewell address: ''The shining city upon a hill is still a beacon for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home.'' We are still the land of the free, still the most generous nation on Earth, but we must also insist on fairness and on respect for law. We must continue to work for the swift and sure enforcement of our immigration laws, without sacrificing American values.

Mr. STUDDS. Mr. Speaker, I rise to express my opposition to the bill.

We all appreciate the need for the immigration laws to be effectively enforced. But the conference agreement goes far beyond such legitimate concerns. It is an arbitrary and punitive measure which abandons our Nation's historic pledge to those seeking refuge from deprivation and persecution. It is a lamentable throwback to the anti-immigrant hysteria of bygone days, and I believe it will be so regarded by the international community and our own posterity.

The bill's numerous defects have been ably set forth by my Democratic colleagues on the committee, and I will not belabor them. I will address only one particular provision, inserted at the 11th hour, whose cruelty and illogic exceed even the extraordinary standards previously set by this Congress.

I refer to those sections of the bill that would eliminate all publicly funded HIV treatment services for both legal immigrants and undocumented individuals. Let me emphasize that the bill does this not through inadvertence but by design: the conference agreement goes out of its way to ensure access to medical care for all communicable diseases—except HIV/AIDS.

No public health rationale has been offered in defense of this mischievous provision. It has not been offered because it does not exist. Indeed, anyone concerned with public health would want to be sure that we treat every infected individual, and it is both callous and shortsighted to do otherwise.

Mr. Speaker, some of my colleagues who will vote for this bill today have on other occasions professed deep concern for the plight of children living with HIV. I do not question their sincerity, but their consistency is open to serious doubt. If this bill is enacted in its present form, there will be children living with HIV in this country to whom we are categorically denying all publicly funded medical care. I do not wish that on my conscience, Mr. Chairman, and for this and many other reasons I oppose the bill and urge its defeat.

Mr. CONYERS. Mr. Speaker, this is a weak ans shameful bill, which does not deserve the Members support in its current form.

The final product produced by the conference was given to us at the very last minute, on a take it or leave it basis. There was no Democratic input whatsoever, and we were completely shut out of the amendment process.

1. FAILING TO PROTECT AMERICAN WORKERS

This bill says that we will make it easier for unscrupulous employers to hire illegal aliens once they are here. It also says that, by weakening antidiscrimination laws, it will make it harder for legal workers to get jobs.

This bill says a resounding no to more Department of Labor inspectors to check illegal sweatshop and other havens of illegal, undocumented workers. No even though at least 100,000 foreign workers overstay their visas each year.

This bill says a resounding no to Labor Department subpoena authority to review employment records, a critical tool needed to combat illegal immigration.

This bill says no to more civil penalties for abusive employers who hire the illegals. That's the magnet that brings illegal immigrants here. That's what really counts. But the special interests have had their way with this bill.

The Republicans have refused to includes those provisions that can most effectively attack illegal immigration. Therefore this bill is a toothless tiger, an election year special, designed to fool voters in California and elsewhere that we are getting tough. In reality, the Republican leadership is just caving to special interests and bringing us a weak bill.

2. THIS BILL SAYS YES TO DISCRIMINATION

It's not enough to simply be weak on illegal immigration. This bill also says yes to more discrimination.

Even though not in the original bill, this bill now includes new provisions that tell employers that may engage in patterns and practices of discrimination so long as the discrimination is not so egregious as to lead itself to a showing of intent in a court of law.

The conference report also says yes to discrimination by race, gender, and nationality in visa processing. This would allow the Department to select one particular type of nationality and subject them to burdensome and dangerous new visa processing requirements—a practice that has already been found to violate the antidiscrimination laws by the D.C. Circuit. That would have the immediate effect of forcing several dozen Vietnamese nationals who are family members of United States citizens to return to Vietnam to have their visas processed. Because of the hostility and corruption of the Vietnamese Government, those forced back are likely to have their visas languish for many more years.

3. THIS BILL SAYS NO TO THE ENVIRONMENT

The National Environmental Protection Act, known as NEPA, is the Nations founding charter for environmental protection.

But this bill repeals that law, yes repeals that law, when it comes to the broader related construction.

That means that when we are constructing roads, bridges, fences, we can ignore the environment.

That means that broader construction can pollute our public waterways, dirty our air, create hazardous point sources that can create dangerous run offs, and generally ignore any adverse environmental impact of that construction.

This is just one more, yes one more Republican attack on our environment.

I plan on offering to recommit the conference report which corrects these glaring flaws. There is still time to come together and achieve a genuine bipartisan agreement on immigration.

If you want to reform the Nation's immigration laws and crack down on illegal immigration without taking extreme and counterproductive measures which harm American workers, I urge you to vote for the motion to recommit. If that motion fails, I urge you to vote against the conference report.

Mrs. MEEK of Florida. Mr. Speaker, I rise in opposition to this bill.

The United States has long been committed to the protection of refugees seeking safehaven from oppression. But this bill—under a provision called expedited exclusion—gives immigration officials the final say in deciding who has a credible fear of persecution—on the spot, with no right to an interpreter or an attorney. It strips the Federal courts of any review of these decisions.

Many of my constituents escaped from brutal dictatorships in Haiti and Cuba and the oppression of the former Soviet Union. They faced political oppression and religious persecution. In many cases, their lives were in danger. Most of these people did not speak English; some were uneducated and most were unsophisticated in their understanding of U.S. law and documents. Yet all faced danger in the countries from which they fled. I shudder to think of how many of my constituents would have been deported back into harm's way if this provision had been in effect in the past.

This bill would prevent the Federal courts from reviewing many actions of the U.S. Immigration and Naturalization Service, thereby eliminating a great safeguard against abuse. Federal court orders have often been the last resort in correcting INS decisions that violate the law or the Constitution. For example, an INS policy denied Haitian refugees the right to apply for political asylum. That INS decision was overturned—for good reason—by the Federal courts.

This bill weakens protections against job discrimination for legal U.S. residents. The bill makes it harder for employees to prove that employers illegally discriminated against them by not hiring them. The bill also restricts the documentation that legal U.S. residents can use to establish their ability to work and their identity. Unscrupulous employers would be given greater latitude to discriminate against or exploit legal U.S. residents.

This bill is as bad for what it does not do as for what it does. For the past 20 years, the taxpayers of my State and my county have been paying billions of dollars to cover the health care, education, housing, and other costs necessitated by the failures of U.S. immigration policy. Simple fairness should dictate that the Federal Government would pick up the costs of the failures of its own policies. Instead, the Federal Government abdicated its responsibilities and left our local taxpayers to pick up the bill. The bill is silent on this problem and does nothing to help us with these costs.

The immigration reform conference report is the result of last minute partisan political maneuvering, rather than thoughtful, dispassionate consideration of policy.

In the words of the American Bar Association, this bill ''abandons the U.S. commitment to the protection of refugees seeking asylum, threatens basic safeguards of due process, eliminates the historic role for the judiciary in reviewing the implementation of the immigration laws * * * and requires the deportation of legal immigrants who receive assistance for which they qualify.''

Mr. GOODLING. Mr. Speaker, I rise in strong support of the conference report on the immigration legislation and thank Chairman HYDE and Representative SMITH for their able stewardship of this comprehensive and far-reaching reform bill. I also thank them for working so closely with the Committee on Economic and Educational Opportunities on the areas of the bill that concern education, human service, and workplace issues within the jurisdiction of our committee.

Mr. Speaker, this conference report represents a comprehensive approach to addressing the problem of illegal immigration that will ensure that this Nation can continue to welcome the hope and creativity that new voices can offer us while feeling secure that the wonderful opportunities that life here presents will continue to be available for generations. The legislation recognizes that one of the primary—if not the preeminent—inducements to illegal immigration is the availability of U.S. jobs. The fact of the matter is that this Nation will never be able to fully control its borders with law enforcement strategies alone. The immigration reform proposal also recognizes, however, the practical constraints on employers in policing the attempts of immigrants to illegally secure employment. Thus, the bill contains needed reforms in the worksite verification process and authorizes a workable pilot telephone verification system to allow employers to readily document which applicants for employment are legally authorized to work.

The conference report recognizes as well the role that the availability of public benefits can play in inducing individuals to unlawfully enter or remain in the United States. I am pleased that the bill takes a strong stand to stem the tide of illegal immigration. Those who break the law to come here will not be allowed to receive taxpayer-supported Federal benefits. They are barred and that is as it should be.

I am also pleased that an agreement was reached to separately consider the Gallegly amendment on the education of illegal aliens. For some border States, like California, the education of illegal aliens costs $2 billion a year. For other States, it's not a problem. It is reasonable for States to have the right to decide this issue, and we'll have the chance to consider a separate bill, H.R. 4134, on this matter.

With respect to legal immigrants, I am pleased that the conferees saw the wisdom of continuing to make higher education student aid, school lunch and breakfast benefits, and elementary and secondary education benefits available, as under current law, without counting their sponsors' income.

In sum, Mr. Speaker, the conference report is an excellent piece of legislation that represents months of work by the relevant committees to define a set of policies that will confront the serious repercussions of illegal immigration. I urge my colleagues on both sides of the aisle to give it your strong support so we can send immigration legislation to the President's desk, where I believe it should and will receive his signature.

Ms. HARMAN. Mr. Speaker, as the daughter of a legal immigrant father who fled Nazi Germany, I understand the strength that legal immigration has brought to America. I regret that provisions unfairly targeting legal immigrants have been added to this bill.

But I firmly believe that we must act now to stop illegal immigration, and so I rise in support of H.R. 2202, the Immigration in the National Interest Act, which tackles many of the tough issues around illegal immigration, and speaks to one of our fundamental values: that all of us have to live and work by the same set of rules. As a member of the bipartisan task force that contributed many of the best features of this bill, I commend the leadership of our California colleague, ELTON GALLEGLY.

This bill doubles the number of Border Patrol agents to 10,000 over the next 5 years. And it authorizes the purchase of much-needed equipment and technology to aid these new agents in the fight against increasingly sophisticated alien smuggling rings.

It also takes some important first steps toward eliminating the jobs for undocumented workers which are the primary lure for illegal immigration. It authorizes new eligibility-verification programs to keep undocumented workers from obtaining employment, and to protect the vast majority of American businesses who would never willingly hire an undocumented worker. In addition, it strengthens much-needed anticounterfeiting laws.

Mr. Speaker, this bill is not perfect. I am firmly committed to changing its unfair provisions targeting legal immigrants. And I am disappointed to see that provisions increasing civil penalties on employers who hire undocumented workers at the expense of American labor have been removed.

But on balance, this bill is important and necessary. It represents progress. And as the Torrance Daily Breeze has editorialized, ''California needs this [bill].''

I urge its passage.

Mr. RIGGS. Mr. Speaker, I rise today in strong support of H.R. 2202, the Illegal Immigration reform bill. This legislation is the product of countless hours of negotiation between House Republicans and Democrats. While this bill currently does not have the tough provisions like the Gallegly amendment, that are so important to Californians, it is a step in the right direction.

Although the United States is a Nation of immigrants, its borders should be protected from immigrants who unlawfully enter the country and become a burden on citizen taxpayers. I believe that individuals should come to this country through legal channels in order to become productive Americans.

It has been estimated that it costs California more to educate illegal immigrants children than the entire educational budget of Rhode Island and Delaware. While the Clinton administration has turned a blind eye to the strains illegal immigrants places on local economies and communities, the Republican Congress is cracking down on illegal immigration in order to save all Americans money.

According to INS, there are currently 4.5 million illegal aliens in the United States. While the illegal alien population increases by more than 300,000 every year, only about 45,000 illegal aliens are deported from the United States each year. We have clearly lost control of our borders.

Why play by the rules when it is so easy to jump to the head of the line and enter illegally? H.R. 2202 does the following to ensure we are ready to combat this ever-increasing problem: It beefs up border security; it expedites deportations; it toughens penalties for illegal aliens; it gives law enforcement new tools to combat illegal immigration; and it eliminates the job magnet.

Mr. Speaker, most legal immigrants who come to this country work hard and pursue the American Dream. Unfortunately, increasing numbers come to this country in search of government handouts. Consequently, taxpayers will spend $26 billion this year to provide welfare to noncitizens. This could rise to $70 billion by 2004. California spends about $3 billion annually for public education and health care for illegal aliens and incarceration of some 20,000 felons who illegally entered the country. This legislation encourages personal responsibility by requiring illegal aliens to pay their own way. It reinforces prohibition against illegal aliens receiving public benefits. In addition this legislation starts holding deadbeat sponsors legally financially responsible by one, counting the sponsor's income as part of the immigrant's in determining eligibility for welfare, and two, ensuring that sponsors have sufficient means to fulfill their financial obligations.

Mr. Speaker, it is time to act on immigration reform. My district needs it; my home State needs it; America needs it. My colleagues should vote favorably on this legislation.

Mr. KLECZKA. Mr. Speaker, I rise today to oppose the conference report on the immigration reform bill.

I voted for the immigration bill when it was considered by the House, even though I disagreed with some of its mean-spirited provisions that would kick children out of school and onto the street. I felt that it was a good, tough measure that would lead to a reduction in the level of illegal immigration. However, I rise today to oppose this conference report because special interest groups have managed to kill important provisions.

Everyone knows the real reason that immigrants enter this country illegally: jobs. Common sense tells us that if we clamp down on this demand, we will see a corresponding drop in the supply.

It is also a matter of common knowledge that employers in this country are exacerbating this problem by knowingly hiring illegal immigrants. Quite simply, they are acting as a magnet for illegal immigrants. These employers brutalize their workers by forcing them to work in sweatshop conditions at below minimum wage rates. And, significantly, they reduce job opportunities for American citizens.

Sensible immigration reform must entail a crackdown on these unscrupulous employers. Sadly, this bill fails in that respect. The House-passed version, which I supported, provided 500 new Immigration and Naturalization Service [INS] officers to investigate employers who hire illegal immigrants.

The Republican leadership, after consulting with their special interest lobbyists, decided to water down this provision. Now, the INS will get 200 fewer agents. And the agents the INS does get will be prohibited from focusing exclusively on employer violations.

This bad conference report, in fact, weakens sanctions against employers who knowingly hire illegal immigrants. If we are serious about curbing illegal immigration, it is simply illogical to pass legislation that is soft on these lawbreaking employers.

At the same time, this measure radically attacks our Nation's antidiscrimination laws, making it harder for American citizens to prove that they have been discriminated against when seeking employment. It would require those claiming discrimination to prove that their employer intended to discriminate against them, which is an almost impossible legal hurdle to clear.

I find it very unfortunate that this bill, originally intended to protect the American worker by stopping illegal immigration, will actually curtail the legal rights of American workers.

Finally, Mr. Speaker, I rise to criticize provisions which will seriously undermine American families. Historically, our Nation's immigration laws permitted Americans to reunify their families by acting as sponsors for their foreign relatives. The immigration measure on the floor today raises the income level that prospective sponsors must meet to 200 percent of the poverty level. In plain terms, middle-income Americans—the police officer or the schoolteacher—will be denied the ability to bring their aging parents to this country.

Mr. Speaker, if we are to stem the tide of illegal immigration, we must undertake tough and effective measures. But we must insist that such measures apply to all the actors in the immigration problem—illegal immigrants as well as the employers who hire them. Unfortunately, this bad bill, by exempting the latter, insures that the problem of illegal immigration will continue, as unscrupulous employers continue to lure employees with jobs.

Mr. VENTO. Mr. Speaker, I rise today to oppose H.R. 2202, the Immigration and National Interest Act. Mr. Speaker, this legislation is not in the Nation's best interest, as the title erroneously suggests. While I agree that measures must be undertaken to reduce the influx of illegal immigrants crossing our Nation's borders, this measure goes too far by punishing legal immigrants.

Like the welfare reform measure enacted into law earlier this year, H.R. 2202 would establish a ban on means-tested Federal assistance for legal immigrants. These are not illegal immigrants, but rather those who have followed the procedures and policies of the Federal Government to enter and live lawfully in this country. Even though I supported the overall welfare measure on final passage, I specifically do not agree with the provisions that would deny legal immigrants public benefits. President Clinton has agreed that these provisions are misguided, and he has stated his commitment to see them modified. I support such changes. H.R. 2202, however, includes almost those same provisions, altering deeming requirements for legal immigrants that would effectively make them ineligible for most means-tested public assistance. This measure has a provision that states that legal immigrants can be deported for accepting a Federal student aid loan and even for attending federally funded English classes. How can a legal immigrant learn the English language and pass the citizenship test with such a policy in place?

While future legal immigrants will have legally binding affidavits to guarantee their support during difficult financial times, those who are already in the U.S. holding non-binding affidavits, or no such documents at all, will be left out in the cold. These immigrants will have nowhere else to turn for up to 5 years if their sponsor cannot or will not support them.

Cutting off such life-sustaining assistance to those immigrants who, under Federal policies, legally entered this country without a guaranteed source of financial support is unacceptable. Furthermore, enacting such provisions will not reduce the needs of these legal immigrants. It will simply allow the Federal Government to abandon its responsibility for these individuals, shifting that responsibility and expense to State and local governments that will be forced to fill that gap.

Ironically, while punitive provisions are put in place for legal immigrants already in the U.S., new categories of refugees and asylees are created by this measure. H.R. 2202 provides that the family planning policies of the individual's country of origin would become a basis for such status.

Another provision in H.R. 2202 that would harm legal immigrants relates to their ability to reunite with family members they left behind in their homelands. H.R. 2202 increases the income needed to become a sponsor to 200 percent of the poverty level in most cases, which is over $30,000 for a family of four. Only where the sponsored immigrant is a spouse or a minor child does the bill lower that income level to 140 percent of the poverty level, which is in excess of $20,000 for a family of four. For many immigrants who work at minimum wage jobs, even the lower figure effectively prevents them from reuniting with family members.

Furthermore, legal immigrants lose protection from discrimination in hiring, and the standards are stacked against them in the legal language of this bill. At the same time, illegal immigrants are hired by employers under the provisions of this measure with relaxed employer sanctions. This is two steps backwards from the policy enacted in 1986.

When this measure was considered by the House, I successfully amended the bill with language that would have corrected a situation that is currently hindering some Hmong residents of my district from naturalizing. Unfortunately, the majority stripped the language from the bill during the conference committee.

The Hmong the would have been affected are those who served alongside U.S. Forces in the Vietnam war, protecting and defending this nation and losing their homeland in the process. Because they served in Special Guerrilla Forces operated by the CIA, and not regular military units, they are eligible for expedited naturalization as other non-national veterans of U.S. Forces are. Additionally, extraordinary language barriers and other hardships have prevented many Hmong from meeting some naturalization requirements. The Vento Amendment would have provided for expedited naturalization for these non-citizens who have served the United States honorably during the course of the Vietnam War. I am dismayed that the authors of this bill have chosen to ignore the service of the Hmong in the Vietnam War by choosing to deny them full citizenship in the nation whose freedom and democracy they fought so hard to protect.

This bill does have some good provisions that are needed in the efforts to deal with the problem of increasing illegal entries into the United States, such as increased penalties for such activity and increasing the number of border control agents and Immigration and Naturalization Service personnel. However, it targets more than simply those immigrants that make the unlawful trek across our borders. Punishing legal immigrants along with those without legal status who have broken the law is the wrong policy path for our nation to travel. Let's solve the problems that require solutions without creating new ones. I ask my colleagues to oppose this measure.

Mr. RADANOVICH. Mr. Speaker, I believe that States should be able to decide whether taxpayer dollars should be spent on public schooling of illegal aliens. That is why I supported the Gallegly amendment when the House passed the immigration reform bill earlier this year.

That amendment was adopted by more than a 60 percent margin in the House. If the same support level existed in the other body, we could send a final immigration reform bill to the White House, with the Gallegly amendment intact.

Regrettably, that seems not to be the case. A filibuster was threatened against any immigration bill including the Gallegly provision, and reportedly there aren't enough votes to shut it off.

That means that getting immigration reform in this Congress requires us to relinquish the Gallegly restriction in the House-Senate conference report. Thus, I shall vote for the conference report.

However, to keep faith with my belief and the wishes of the good citizens I represent, I also intend to vote, in the succeeding action, for H.R. 4134, a bill that is a stand-alone Gallegly measure.

Finally, Mr. Speaker, I want to urge my colleagues to be mindful of a workable alternative to the problem of illegal aliens who are receiving public benefits. It's called report and deport.

The immigration reform bill calls for additional INS enforcement personnel and for strengthened deportation. And, the welfare reform law this Congress enacted says that there can be no silencing of those in state and local government who communicate with the INS.

The bottom line is that those who remain in this country illegally should know they are breaking the law and are subject to being reported and deported.

Mr. FOGLIETTA. Mr. Speaker, I rise to speak in opposition to this immigration conference report.

Let's not be fooled here. We have been focusing on how wrong it is to punish children as we pull the precious words from the Statue of Liberty with this bill. But taking Gallegly out of this bill makes a mean, bad bill, just a little less mean and bad.

This is a bad bill because it creates two classes of people—those who can afford to be reunited with their families and those who cannot.

This is a bad bill because it stresses law enforcement on the border with more INS agents but it killed the proposal to increase Labor Department agents. If we really are concerned about illegal aliens taking the jobs of our constituents, why have we sacrificed workplace enforcement?

This is a bad bill because it persists with the mean spirit of the welfare law—cutting safety net benefits to children.

This is a bad bill because it denies medical care for people with HIV and AIDS.

This is a bad bill because it makes it harder for prospective employees to sue for discrimination.

I could go on and on.

Most of us are immigrants or the children of immigrants. Our parents and grandparents who arrived at Ellis Island and other immigration points helped to make this country great. And here we are tearing apart the texture and heart of America—all for another Contract on America soundbite.

My colleagues, vote against this conference report.

Mr. FLANAGAN. Mr. Speaker, I rise in strong support of the motion to recommit and against the conference report to immigration reform as it is currently written. It is with great regret that I do so, but I must in order to prevent a great injustice, a misuse of the House rules, and the enactment of a dangerous policy that threatens the health and safety of all people living in this country, not just immigrants.

Mr. Speaker, I have been a long and strong proponent of illegal immigration reform ever since I have had the privilege to serve in Congress. During the 104th Congress, I have voted for this legislation in both the Judiciary Committee and on the House floor. I have done so because I believe we must do something to halt the flood of illegals that enter our country, inflate our welfare rolls, depress the wages of working Americans, and cause a great deal of crime and hardship in our Nation.

However, the conference report to H.R. 2022, the Immigration in the National Interest Act, contains provisions that I find both shortsighted and narrow minded. These provisions would deny basic medical treatment to any ineligible and undocumented immigrant who is HIV-positive, this includes a legal immigrant who has had publicly financed medical treatment for more than 12 months. While the bill would allow the Department of Health and Human Services to do whatever is necessary to prevent the spread of all other communicable diseases, it expressly prohibits HHS from providing basic medical care and treatment to HIV-positive immigrants. Those legal immigrants who exceed the 12-month limit will be automatically deported.

These provisions were not included in either the House or the Senate versions of H.R. 2022. In fact, both Houses voted overwhelmingly to separate legal immigration reform from the bill earlier in the Congress and, instead, focus only on controlling illegal immigration.

Mr. Speaker, current law already prohibits individuals who test positive for HIV and AIDS from immigrating to the United States. Therefore, this shortsighted and, I must say, discriminatory provision would only bar treatment for HIV-positive individuals who contracted the virus while in the United States. There is no logical public health or pubic health or public policy argument for distinguishing HIV and AIDS from all other communicable diseases. It would make absolutely no sense to allow testing and treatment for tuberculosis, measles, and influenza but refuse it for HIV and AIDS. Mr. Speaker, these provisions would not only be cruel and inhumane for those who suffer with the AIDS virus, but it would also be dangerous for those of us who don't.

There is no doubt that this conference report contains many positive provisions that would help to stifle illegal immigration. Among the bill's initiatives are provisions to increase by 5,000 the Border Patrol, to improve border-crossing barriers along areas of high illegal immigration, and to prohibit illegal aliens from

receiving Federal means-test benefits except emergency medical services. Yet, this bill also contains provisions that are so shortsighted and so narrow-minded that it literally boggles the mind.

Mr. Speaker, the HIV provisions should be stricken from this legislation. They should be stricken because they are, first and foremost, blatantly discriminatory. They would also produce a dangerous Federal policy of allowing HIV-positive individuals from roaming the streets and neighborhoods of our cities and towns without detection and without treatment. This provision is also wrong because it violates our own Rules of the House that confines conferees to the differences contained in the bill and not allow them to attach any items they wish. Finally, this provision should be defeated because it is inconsistent with an earlier vote, when the House and the other body overwhelmingly decided to separate legal immigration reform from the bill.

Mr. Speaker, with all this said, I respectfully urge my colleagues to vote for the motion to recommit. Thank you, Mr. Speaker.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 3259.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 2202, ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from California [Mr. DRIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which, I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous materials.)

Mr. DREIER. Mr. Speaker, illegal immigration is a major problem that exists in this country, and nearly every one of us knows it. In my State of California, this may be the single most important law and order issue we have faced in a generation. Three million illegal immigrants enter the country each year, 300,000 to stay here permanently. More live in California than in any other State. In 3 years, that is enough people, Mr. Speaker, to create a city the size of San Francisco.

Mr. Speaker, it is increasingly clear that this Congress is dedicated to results. I believe results are what the American people want from their representatives here in Washington, both in Congress and at the White House. When there is a national problem like illegal immigration, they want action. Today, with this bill that we are considering that was crafted so expertly by chairman of the subcommittee, the gentleman from Texas, [Mr. LAMAR SMITH], we are giving them a response.

□ 1200

Mr. Speaker, back in the 19th century, the German practitioner of politics Otto von Bismarck made a very famous statement, with which we are all very familiar, that people should not watch sausage or laws being made.

That dictum has never been more true than in looking at what has taken place over the past couple of years. Under the barrage of 18 months and tens of millions of dollars of special interest attack ads, as well as the political rhetoric that came along with Congress changing hands for the first time in four decades, Washington has not presented a pretty picture to the American people.

But look beyond the rhetoric, the soundbites, and the smokescreens, Mr. Speaker. Look at the results. We have gotten bipartisan welfare reform, bipartisan telecommunications reform, bipartisan health insurance reform, a line-item veto measure that passed with bipartisan support, environmental protections that have had bipartisan support, and now a major illegal immigration bill that also enjoys tremendous bipartisan support. In each case, the final product from this Congress has been a major accomplishment where past Congresses have unfortunately produced failure.

Mr. Speaker, in California, illegal immigration is a problem in its own right, but it is also a factor that contributes to other problems. It undermines job creation by taxing local resources, it threatens wage gains by supplying undocumented labor, it has been a major factor in public school overcrowding, forcing nearly $2 billion in State and local resources to be spent each year educating illegal immigrants rather than California's children.

As with other major national problems, the American people want results, not rhetoric, as I was saying. H.R. 2202 fills that bill. It is not perfect. There are Members of this House who spent years trying to address illegal immigration who think that the bill could be better, and I am one who thinks that this bill could be better. This conference report is not the answer to all of our problems.

However, that is not a fair test, and it is not the test that the American people want us to use. People do not want us to kill good results in the name of perfection. There is no question that this conference report, filled with bipartisan proposals to improve the fight against illegal immigration, should pass, and pass with broad bipartisan support, as I am sure it will.

The bill dramatically improves border enforcement, fights document fraud and targets alien smuggling, makes it easier to deport illegal immigrants, creates a much needed pilot program to get at the problem of illegal immigrants filling jobs, and makes clear that illegal immigrants do not qualify for welfare programs. Together, Mr. Speaker, this is not just a good first step; it takes us a good way toward our goal of ending this very serious problem of illegal immigration.

Mr. Speaker, I must note that the 104th Congress did not just come around to this problem at the end of the session. This important bill only adds to other accomplishments, other results.

Congress tripled funding, Federal funding, to $500 million to reimburse States like California for the cost of housing felons in State prisons if they are illegal aliens. The remarkable fact is that we are 1 week from the close of fiscal year 1996 and the Clinton administration has not distributed $1 in fiscal year 1996 money to States like California.

The welfare reform bill, signed by the President, disqualified illegal immigrants from all Federal and State welfare programs and empowered State welfare agencies to report illegals to the INS. Congress also created a $3.5 billion Federal fund to reimburse our hospitals for the cost of emergency health care to illegals, only to see that provision die due to a Presidential veto.

Finally, Mr. Speaker, I must add that promoting economic growth and stability in Mexico, in particular, whether through implementing the North American Free Trade Agreement or working with our neighbor to avoid a financial collapse that would create untold economic refugees on our Southern border is critical to the success of our fight against illegal immigration. We want to do what we can to

give people an opportunity to raise their families at home rather than come to this country for jobs and other benefits.

Mr. Speaker, now is the time for final action on this important illegal immigration bill. California must deal every day with that flood of illegal immigrants who are coming across the border seeking government services, job opportunities, and family members. There is simply no question that the President, for all his rhetoric, has failed to make this a top priority. Once again, as with welfare reform, we can give the President a chance to live up to his rhetoric. Let us pass this rule, pass this conference report, and give the American people another issue of which they can be very proud.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the customary 30 minutes of debate time, and I yield myself such time as I may consume.

I want to say at the outset, I say it gently and nicely, this is not directed personally to my truly good and close friend whom I admire, respect and like a huge amount from California, but I want to say to our friends on the other side that I am personally shocked and astounded by the lack of comity and collegiality that was shown in this particular instance. This is the first time I can recall in my 18 years of service on the Rules Committee where the majority party started taking up a rule before the minority party was here, and in fact we learned of the rule being taken up at this time after having been assured, I know it is not the gentleman's fault, so I am not directing my comments at all to him, I say to my good friend, but to whoever is responsible for changing or speeding up the course of action here. We were assured this would not be taken up for some time, until sometime after we had disposed of the intelligence bill and after at least some of the other bills on suspension would be taken up, and our people are not prepared or are not so prepared as they would have been an hour or two from now to debate this matter.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from California.

Mr. DREIER. I just want to say that I agree with the gentleman. I wish that it had been run in a more orderly fashion. I was assuming that there would have been a recorded vote on that intelligence bill.

Mr. BEILENSON. I understand. As I said to the gentleman from California [Mr. DREIER], my friend, I know it was not the gentleman's doing. I just wanted to say if we seem a little hurried on this side and some of our folks have not arrived yet, it is because they did not expect to have to be over here quite at this time. At any rate, let us get down to the matter. We do have the remainder of the day to deal with this and its other matter. Mr. GALLEGLY's amendment, and we could have given ourselves a little more time, it seems to me.

Mr. Speaker, we do oppose this rule and the legislation it makes in order, the conference report on the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

By waiving all points of order against the conference report and its consideration, this rule allows the leadership to bring this measure to the floor fewer than 24 hours from the time it emerged from the conference committee. Hardly anyone besides the majority Members and staff who worked on the conference report knows much about its specific provisions. We know that it does not contain Mr. GALLEGLY's amendment on educating children of illegal immigrants, which is, we think, good. That is, it is good that it does not contain it, but that is the only provision that has received much attention in the press. We are being asked to rush to judgment on a matter that needs far more deliberation and discussion than it will have prior to the vote on final passage. Furthermore, the rule essentially sanctions House consideration of legislation that is not the product of a legitimate House-Senate conference committee. There is good reason why no Democratic member except for one signed the conference report. Democratic members who had worked hard on this legislation along with their Republican colleagues from its inception were completely shut out of the conference process. There was no consultation with Democrats over the past 5 months after the House and Senate had both passed immigration bills of their own. Democratic members went to the conference meeting yesterday not knowing what was in the final product and were not given the opportunity to offer amendments despite the fact that the proposed conference report contained many new items and quite a few that were outside the scope of the conference itself and no vote was taken on the report. And now here on the floor we are being asked to endorse this egregious practice by adopting this rule. We should not do that, we should defeat this rule or, failing that, we should defeat the conference report itself.

Mr. Speaker, those of us who represent communities where large numbers of immigrants settle have been working hard for a number of years to get Congress and the administration to stop the flow of illegal immigrants into the United States. Many of us have also been trying to slow the growth or slow the rate at which legal immigrants are flowing into our country.

Our efforts have been supported by not only people who are affected directly by rapid population growth resulting from immigration, but also by the vast majority of Americans everywhere. More than 80 percent of the American people, according to poll after poll, want Congress to get serious about stopping illegal immigration, and they want us to reduce the rate of legal immigration. Unfortunately, this legislation would do neither. This measure is a feeble and misguided response to one of the most significant problems facing our Nation. For us to spend as much time and energy as we have identifying ways to solve our immigration problems and then produce such a weak piece of legislation is, I think it is fair to say, a travesty, and eventually the American people, perhaps soon, I hope soon, will understand that we have not fulfilled our responsibilities in this matter.

If we truly care about immigration reform, we must vote down this conference report today so that the Congress and the President will be forced to revisit this issue next year. Otherwise, I am afraid the Congress and the administration will have an excuse to put this issue aside and it will be years again, literally years, before we get really serious about stopping illegal immigration and reducing legal immigration.

One of this bill's greatest defects is its lenient treatment of employers who hire illegal immigrants. An estimated 300,000 illegal immigrants settle permanently in the United States each year. As we all know, virtually all of them are lured here by the prospect of jobs which they are able to obtain because the law allows them to prove work authorization through documents that can be easily forged.

That will continue to be the case despite this legislation's reduction in the kinds of documents that can be used to prove work eligibility. As a result, it is next to impossible for employers to determine who is and who is not authorized to work in the United States.

This is not a problem we recently discovered, Mr. Speaker. Congress knew a decade ago and more when we first established penalties for employers who knowingly hire illegal immigrants that it would be difficult to enforce the law, impossible actually, if we did not have some kind of system requiring employers to verify the authenticity of documents that employees use to show work authorization.

Moreover, because more than 50 percent of illegal immigrants come here legally and then overstay their visas, we cannot stop these types of immigrants simply by tightening border control. The only real way we can stop them is by forcing employers to check their work authorization status with the government.

But despite knowing full well that the lack of an enforceable verification system is the largest obstacle to enforcing employer sanctions and thus the biggest hole in our efforts to stop illegal immigration, this legislation fails to cure that major principal problem.

For employment verification, the bill provides only for pilot programs in

States that have the highest numbers of undocumented workers. Because these pilot programs will be voluntary, employers will be able to avoid checking the status of their employees. Thus, businesses that hire illegal immigrants, and there are plenty of them, Mr. Speaker, who do, will continue to be able to get away with it the same way they do now, by claiming that they did not know that employees' work authorization documents were fraudulent. And that will continue until the Congress revisits the issue and passes legislation making verification mandatory.

To make matters worse, the bill fails to provide for an adequate number of investigators within either the Immigration and Naturalization Service or the Labor Department to identify employers who are hiring illegal immigrants.

The other glaring failure of this piece of legislation is its failure to reduce the huge number of legal immigrants who are settling in the United States each year. Many people have been focusing on the problem of illegal immigration, which is understandable. Undocumented immigrants and employers who hire them are breaking our laws and should be dealt with accordingly. But if a fundamental immigration problem we are concerned with, and I believe it is, it certainly is amongst the people I represent back home, is the impact of too many people arriving too quickly into this country, the sheer numbers dictate that we cannot ignore the role that legal immigration plays. About three-quarters of the estimated 1.1 million foreigners who settle permanently in the United States each year do so legally.

□ 1215

It is the 800,000, more or less, legal immigrants, more so than the estimated 300,000 illegal ones, who determine how fierce the competition for jobs is, how overcrowded our schools are, and how large and densely populated our urban areas are becoming. More importantly, the number of foreigners we allow to settle in the United States now will determine how crowded this country will become during the next century.

The population of the United States has just about doubled since the end of World War II. That is only about 50 years ago. It is headed for another doubling by the year 2050, just 53 or 54 years from now, when it will probably exceed half a billion people. Half a billion people in this country. Immigration is the engine driving this unprecedented growth.

Natives of other lands who have settled here since the 1970's and their offspring account for more than half the population increase we have experienced in the last 25 years. The effects of immigration will be even more dramatic, however, in the future. By the year 2050, more than 90 percent of our annual growth will be attributable to immigrants who have settled here since the early 1990's; not prior immigration, but just the immigration that is occurring now and will continue to occur if this bill is allowed to pass.

As recently as 1990, the Census Bureau predicted that U.S. population would peak and then level off a few decades from now at about 300,000 people. In 1994, however, just 4 years later, because of unexpectedly high rates of immigration, the bureau changed its predictions and now sees our population growing unabated into the next century, into the late 21st century, when it will reach 800 million, or perhaps 1 billion Americans, in the coming century.

Now, a year ago, there was a near consensus among Members and others working closely on immigration reform that we needed to reduce the number of legal as well as illegal immigrants entering this country. The Clinton administration has proposed such reductions, and both the House and Senate Judiciary Committee versions of the immigration reform legislation also contained those reductions. All three proposals were based on the recommendations of the immigration reform commission, headed by the late Barbara Jordan, which proposed a decrease in legal immigration of about a quarter million people a year.

The commission's recommended reduction would still, of course, have left the United States in a position of being by far the most generous nation in the world in terms of the number of immigrants we accept legally. We would continue to be a country which accepts more legal immigrants than all of the other countries of the world combined.

But, unfortunately, Mr. Speaker, after intensive lobbying by business interests and by proimmigration organizations, both the House and the Senate stripped the legal immigration reduction from this legislation entirely, and did so with the Clinton administration's blessing. Now, unless the Congress defeats this legislation today, reductions in legal immigration, are unlikely for the foreseeable future.

Our failure to reduce legal immigration will only be to our Nation's great detriment. The rapid population growth that will result from immigration will make it that much more difficult to solve our most pervasive and environment problems such as air and water pollution, trash and sewage disposal, loss of agriculture lands, and many others, just to name some of the major ones.

More serious environmental threats are not all that we will face when our communities, especially those in large coastal urban areas, speaking mainly, of course, at the amount, of California and Texas and Florida and New York and New Jersey, but there are others that are already being affected and more that will be in the future, areas that are magnets for immigrants, whether legal or illegal, are already straining to meet the needs of the people here right now. There could be no doubt that our ability in the future to provide a sufficient number of jobs or adequate housing and enough water, food, education, especially health care and public safety, is certain to be tested in ways that we cannot now even imagine.

However we look at it, Mr. Speaker, however we look at it, failing to reduce the current rate of immigration, legal and illegal, clearly means that our children and our grandchildren cannot possibly have the quality of life that we ourselves have been fortunate to have enjoyed. With twice as many people here in this country, and then more than twice as many, we can expect to have at least twice as much crime, twice as much congestion, twice as much congestion, twice as much poverty, twice as many problems in educating our children, providing health care and everything else.

In terms of both process and outcome, this conference report is a grave disappointment. It is notable more for what it is not than for what it is. Instead of a conference report that reflects only the views of the majority party, this measure could have been a bipartisan product as immigration bills traditionally are, but it is not. Instead of a measure developed in someone's office, this continuing resolution could have been the result of a conference committee, but it is not. Instead of legislation that is lax or lenient on employers who hire illegal immigrants, this could have been a measure that finally established a workable system that enforced penalties against those who knowingly hire illegal immigrants, but it is not.

Instead of a bill that fails to slow the tide of legal immigrants, except by singling them out for unfair treatment, as it does, this could have been a bill that reduces the rate at which immigrants settle here and thus help solve many problems which confront us as a society already, but it is not.

Mr. Speaker, the bill this rule makes in order, does not, to be frank about it, deserve our support. I urge our colleagues to vote it down, both the rule and/or the conference report, so that Congress and the President, and the administration, which did not do its duty, it seems to this Member by these issues, both the Congress and the President will be forced to return to this issue next year and to produce the kind of immigration reform legislation that the American people want and that our country badly needs.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Texas [Mr. SMITH], the chairman of the subcommittee.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the comments by opponents of this legislation simply do not represent the views of most Americans.

They do not even represent the desires of a majority of the Members of their own party. Every substantive provision in this compromise conference report has already been supported by a majority of Democrats and a majority of Republicans either in the House or Senate.

I find it curious that when the American people want us to reduce illegal immigration, every single criticism made by the opponents of this bill would make it easier for illegal aliens to enter or stay in the country, or it would make it easier for noncitizens to get Federal benefits paid for by the taxpayer.

Mr. DREIER. Mr. Speaker, I yield 3½ minutes to my friend, the gentleman from Sanibel FL [Mr. GOSS], the chairman of the Subcommittee on Budget and Legislative Process.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the vice chairman of the Committee on Rules, my friend, the gentleman from California [Mr. DREIER], for yielding. I wish to commend the gentleman for his efforts on this important bill. I can say that he has been persistent and he has been instrumental in getting us to this point.

I support the rule, but I do agree with the gentleman from California [Mr. BEILENSON] that there was a mixup in the scheduling, and I think that we have understood there was nothing sinister behind it. A vote dropped off, so we got ahead of ourselves.

Mr. Speaker, many months ago the House passed 2202 to reform our Nation's broken immigration system.

This landmark legislation will tighten our borders, block illegal immigrants from obtaining jobs that should go to those who are in the United States legally, streamline the process for removing illegals, and make illegal immigrants ineligible for most public benefits.

All along in this process, the drumbeat from the American people has been very clear—it's long past time for reform. We have come to understand that reform is not for the faint of heart—that there are tough choices to be made and that there are real human beings on all sides of the immigration process. In the end, I believe we have legislation that is tough but fair—legislation designed to keep the door open for those who want to come to America but are willing to do it via an orderly, legal process, not sneak in the back or side door.

H.R. 2202 will add 5,000 new border patrol agents over the next 5 years Yes, 5,000. It will make illegal immigrants ineligible for many public benefits, while still allowing them access to emergency medical care. It also requires future sponsors to take more responsibility for their charges—a prospective change that is a win for immigrants and for American taxpayers alike, reducing the $26 billion annual tab American taxpayers currently pay. H.R. 2202 sets up a 3-year voluntary pilot program in five States so employers can use a phone system to verify Social Security numbers of prospective employees. If the pilot is successful, we may finally have a simple and effective way for employers to fulfill their legal responsibility to hire only eligible workers. There is no national identity card and no big brother database in this legislation. Mr. Speaker, as with all things that are borne of compromise, this legislation is not without disappointments. In my State of Florida, we know that undocumented immigrants cost Florida taxpayers millions of dollars every year in education costs. The Governor's office estimated the cost for 1 year to have been $180 million. Nationwide for 1 year the estimate was more than $4.2 billion. We simply cannot afford to educate all of the world's children while extending a magnet that fuels illegal entry into our country. Although I am disappointed it's not in this bill, I am pleased that this House has a chance to debate the Gallegly language as a separate measure, to end the current unfunded Federal mandate and give States an opportunity to make their own decision about how to handle this problem.

Overall, Mr. Speaker, this is a solid bill. It is one more example of this Congress, under our new majority, living up to its commitments. One more time we have promises made, promises kept.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from California for yielding me time. TONY, we will miss you next year and all your work you have done for not only our district, but the people of California, and the people of our country.

Mr. Speaker, there is a consensus that illegal immigration is a national problem that needs to be addressed. I believe our immigration laws need to be strengthened. But this conference agreement ignores the real reasons for illegal immigration and does little to protect American jobs. The reason people are in our country illegally is not to go to school, it is to get a job.

A successful control of illegal immigration requires comprehensive efforts not only to police our borders, but also to effectively reduce the incentives to employ illegal immigrants.

The bill has serious deficiencies in regard to employment and work site enforcement. The conference report does not contain the Senate provision that would authorize 350 additional enforcement staff for the Department of Labor, Wage and Hour Division, to enhance worksite enforcement of our laws.

This conference report does not contain the Senate provision authorizing enhanced civil penalties for employers who violate the employment sanctions and specified labor laws. Higher penalties would also serve to reduce the incentives to employ and thereby deter illegal immigration.

This conference report does not contain the Senate provision that would have provided subpoena authority to the Secretary of Labor to carry out enforcement responsibilities under this act.

Even though I served on the conference committee, and I was honored to do so, I nor other Democrats were given the opportunity to offer amendments to correct these deficiencies: We will have real immigration reform when we as Democrats are not locked out of the process.

Is this bill better than no bill? Maybe. But the people of America want something that will stop illegal immigration. This will not stop it. It may be better than the status quo because of the additional border patrol, but it does not go as far as the American people want it to go to deter illegal immigration. That is why this is not the panacea that you may hear from the other side of the aisle. It is an election year gimmick to say we passed immigration reform, but we have not.

Mr. DREIER. Mr. Speaker, as the gentleman from Texas just said, this bill is clearly better than the status quo.

Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Orlando, FL [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding 2 minutes to me.

Mr. Speaker, I just want to make a comment. There are a few things in this bill that maybe I could quibble over, but very few. There are a number of things that are not in this bill that I would like to see here, and I know many other Members would. But, overall, this is an excellent work product. There are some very significant things in this bill.

One of the things this bill does is to reform the whole process of asylum, that is the question where somebody seeking to come here or to stay here claims that they have been or would be persecuted for religious or political reasons if they return to the country of their origin.

We have had lots of people coming in here claiming that. Most of them who claim it have no foundation in claim at all. Once they get a foot in the airport or wherever, they make that claim, they get into the system, many of them are never heard from again. We do not get the kind of speedy process we need to resolve this.

Under this legislation there is a system much better than we have today for resolving the whole question of asylum from A to Z. We have an expedited or summary exclusion process that will be guaranteed in the sense you get two bites at the apple. If you ask for asylum at the airport, an asylum officer specially trained will screen you. If you think you have been given a raw deal

and he says you do not have a credible fear of persecution and decides to return you straight home, you get to go before an immigration judge. That has to be done though within a matter of 24 hours, 7 days at the most.

It is a very, very positive provision, because it you do not qualify, you are going to be shipped right back out again, and do not get caught up in our system. And the list goes on and on.

So this is a very important and positive bill. But there are a couple of things that I think should have been in here that are not. One of them is the strengthening of the Social Security card that the gentleman from California [Mr. BEILENSON] talked about at some length. We need a way, a very difficult way, to get rid of document fraud, in order to make employer sanctions work. All too many people are coming into this country today getting fraudulent documents for $15 or $20 on the streets, including Social Security cards, drivers licenses or whatever, and then they go get a job. There is no way to make a law that says it is illegal to knowingly hire an illegal alien work.

□ 1230

And until we solve this fraud problem and we do more than we are doing in this bill to do that, we will never make it such that we can cut the magnet of people coming in here illegally.

But the bill is excellent. Let us vote for this bill and work on these other matters in the next Congress.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time.

And let me say at this point briefly to my friend from California, whom I have had the honor of serving with, and we were in the same class together, been here for 20 years, how much I have appreciated his friendship and his counsel and all that he has done for this institution. He is truly one of the most decent people I have ever served with in public life, one of the brightest people I have ever served with, and I will miss him dearly as we go into our next Congress.

Mr. Speaker, I would like to echo the comments of my friend from California in opposing this rule and opposing this conference report. I do so for the following reasons:

This conference report weakens protection for American workers while making it easier for employers to hire illegal workers. The conference report includes broad language that is not contained in the House-passed bill which rolls back antidiscrimination protections and makes it more difficult for American workers to bring employment discrimination claims.

Workers will now have to prove that an employer deliberately had an intent to discriminate, which is an almost impossible standard to meet. Workers who are wrongfully denied employment because of computer errors, and we know in this brave new world we live in that is becoming more and more common, under this bill they will not be able to seek compensation from the Federal Government because of that error because they were just kind of wiped out on the list and were not able to get a job.

At the same time it does this, it does something else. It will make it easier for employers to hire illegal workers. The conference report does not include the Senate provision that would have increased penalties for employers who knowingly hire illegal workers.

Now, that is significant, because each year more than 100,000 foreign workers enter the work force by overstaying their visas. Many are hired in illegal sweatshops, in violation of minimum wage laws. And we have seen what the Labor Department has unveiled in this regard over the last couple of years: Sweatshops all over this country with illegal people who are working in these sweatshops and no crackdown on the employers. The conference report does not include the additional 350 labor inspectors.

Let me also say something about class. This is a bill that discriminates against average working people in this country and average folks. Millions of Americans would be denied the ability to reunite with their spouses or minor children because they do not earn more than 140 percent of the poverty level, which is the income standard set by the conference report in order for it to sponsor a family member to come here.

A third of the country would be ineligible to bring in folks under this particular conference report. But if you have a few bucks, no problem. If you are an average worker in this country, we are sorry.

Another point in this bill that I think Members should pay attention to: An individual serves his country. They are here not as a citizen but as a legal immigrant, and they decide to serve in the armed forces, the Air Force, the Marine Corps, the Army, and they put in 2 years or 4 years, and then they leave and get in an automobile accident and take advantage of some medical benefits. They can go under this bill. They can be deported.

There are a lot of things in this bill that are discriminatory against a lot of people who care about this country. I think it is a bad piece of legislation. Say no to the rule. Say no to the bill. We will come back and do it right in the next Congress.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume and would say to my friend, if he does not like the sponsor provision that exists today, he should try to get rid of it rather than leaving it absolutely meaningless.

Mr. Speaker, I yield 2 minutes to the gentleman from Huntington Beach, CA [Mr. ROHRABACHER], my friend, and one of the strongest proponents of legal immigration.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule and the conference report.

Mr. Speaker, millions of illegal aliens have been pouring into our country, and we have heard year after year after year a reason of why we should not act. There is always going to be a reason that the other side will prevent us from acting.

In fact, for years those of us on the Republican side have begged for an immigration bill, and we have been prevented time and time again from having any type of legislation where we could come to grips with this problem.

In California, our health facilities and our schools have been flooded with illegal aliens. Our public services are stretched to the breaking point. Tens of billions of dollars that should be going to benefit our own citizens are being drained away to provide services and benefits to foreigners who have come here illegally.

Who is to blame? Certainly not the immigrants. We cannot blame them if we are to provide them with all these services and benefits. This administration and the liberal Democrats, who have controlled both Houses of Congress for decades, have betrayed the trust of the American people.

We are supposed to be watching out for our own people. When we allocate money for benefits, for service, SSI and unemployment benefits, it is supposed to benefit our citizens, the people that are paying taxes, who fought our wars. Instead, when we have tried to make sure these are not drained away to illegal aliens, we have been stopped every time by the Democrats who controlled this House.

This bill finally comes to grips with the problem that has threatened the well-being of every American family. And, yes, we are going to hear a little nitpicking from the other side of why it is not a perfect bill. But the American people should remind themselves, it is this type of nitpicking that has placed their families in jeopardy for decades and permitted a problem of illegal immigration to mushroom into a catastrophe for our country.

Mr. BEILENSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California, and let me say as a new Member of Congress, I have admired his leadership, his determination, and particularly the demeanor in which he has led not only his district, the State of California, but the Nation, and I thank him very much for his services.

It is important as we rise to the floor, Mr. Speaker, on this issue, to chronicle for the American people just how far we have come. This legislation started out as a combination of some effort in response to legal immigration and illegal immigration.

Unfortunately, the provisions of the legal immigration part of this legislation were extremely harsh and, in fact,

did not capture the spirit of the Statue of Liberty, which indicates that this Nation, bar none, regardless of the standards used by other countries, we do not follow, we lead, was not a country that would close its doors to those seeking opportunities for work but opportunities for justice and liberty and freedom.

So I am delighted that we were able to separate out the major parts of legal immigration and to acknowledge that, yes, we must work with regulating the influx of those coming into this country, but we should never deny the opportunity for those seeking political refuge and needing social justice and fleeing from religious persecution. Our doors should never be closed.

I am disappointed, as we now look at illegal immigration, we have several points that need to be considered. This is not a good jobs bill for America because it does not give to the Department of Labor the 350 staff persons needed to make sure that employers are following the rules as they should.

And, likewise, I would say that this is an unfair bill with respect to those who are here legally, for it says if they want to bring their loved ones, their mother, their father, their siblings, they must not be a regular working person, but they have to be a rich person.

I thought this country was respective of all working citizens, all working individuals who worked every day. But now we require a high burden of some 200 percent more over the poverty level than had been required before in order for a legal resident, a citizen, to bring in their loved ones to, in essence, join their family together. I think that is unfair.

Then we raise a much higher standard on those citizens who now, or those individuals who are seeking employment who may be legal residents. Now they must prove intentional discrimination. I think that is extremely unfair.

We likewise determine that we do not have the ability for redress of grievances by those individuals who have been discriminated against. That is unfair.

And let me say this in conclusion, Mr. Speaker. Mr. Speaker, let me say that we treat juveniles unfairly and we should vote down the rules and vote down the bill.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Mount Holly, NJ [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, first let me say that I support the rule and I will vote in favor of the bill itself today. However, I am deeply disturbed by one aspect of the bill.

Most of the provisions of the bill, I think, are in accord with good sound policy. However, this bill does contain one provision, to exempt the Immigration and Naturalization Service from both the Endangered Species Act and the National Environmental Policy Act.

This provision is intended to address an issue that has to do with the California-Texas-Mexico border. However, the way this section is written, the exemption applies to the entire border of the United States, not just the California-Mexico border near San Diego.

This waiver is not necessary, either in theory or in reality. Section 7, as a matter of fact, of the Endangered Species Act provides the framework to address any fence building. I have letters from the Department of Justice and the Department of the Interior stating that these waivers are not necessary.

Mr. Speaker, if it is important enough to exempt the Immigration and Naturalization Service from these important environmental laws, then we have to grow food, why do we not just exempt the Department of Agriculture? We have to get around in this country, so why do we not just exempt the Department of Transportation? And flood control is extremely important in my district, so why do we not just exempt the Corps of Engineers?

Mr. Speaker, this is a bad provision, and while I am going to vote for this bill, I pledge to spend the next 2 years making sure we straighten out this part of the bill which, to me, is a serious problem.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the distinguished gentleman from California, a friend of mine, for yielding me this time.

I also want to join all my colleagues who are acknowledging the many years of service the gentleman from California [Mr. BEILENSON] has provided to this institution and to the people of America. They probably do not realize how instructive he has been in helping us fashion all sorts of policy, and I certainly will miss him, and I hope that he continues to be involved in policy for this country, because he has been a voice that has brought reason and, I think, a great deal of wisdom to this country's policies and laws.

Mr. Speaker, let me go on to say that I am very disappointed in what we have here today, for a couple of reasons, not only because I think substantively this is a bill that needs a great deal of improvement, but because procedurally it is disappointing to see, in the greatest democracy in the world, that the Republicans, the majority in this Congress, saw fit not to allow anyone to participate in the structuring of this final version of the bill unless one happened to be Republican.

Not one point in time, since the bill first passed out of the House of Representatives back in March, have Democrats had an opportunity to provide amendments to this particular conference report or to participate even in discussion of amendments on this report.

We had a conference committee yesterday that was only for the purpose of offering an opening statement. We did not have a chance to make an offer of an amendment that say, ''This is a provision that needs to be changed; can we change it?'' Not a word. We were not allowed one opportunity to do so.

This has come to the floor, with changes made in the back room in the dead of night, and some people are only now finding out what some of the provisions are.

I want to give you one example of how procedurally this bill has gone wrong. In conference we happened to have found out, because we were handed a sheet that same morning, that a provision in the bill that we thought was in, which would deny a billionaire a visa to come into this country after that billionaire had renounced his U.S. citizenship.

In other words, we have a billionaire in this country who renounces his U.S. citizenship, says, ''I do not want to be a U.S. citizen any more.'' Why? Because he wants to avoid taxes. If an individual is not a U.S. citizen, they do not pay U.S. taxes.

So he renounces his citizenship, goes abroad, and then comes right back, applies for a visa to come back into this country. He has not paid any taxes, and he gets to come back into the country.

We had a provision in the bill that said, no, if an individual renounces their U.S. citizenship because they want to avoid taxes, they cannot come back in. We walk in that morning, and that provision is no longer there. So these billionaires can come back into the country without having paid their taxes.

☐ 1245

We said, why did you put that back in there? Why did we not have a chance to discuss this?

Good news? Billionaires cannot come back in, if they renounce their citizenship. Bad news? We did not know it until this morning when we walked in and found it is back in the bill. That is the democratic process that we have undergone in this bill, where Members are not told what is in the bill until the last moment.

What is the result? One Member called it, one colleague called it nitpicking. I do not call it nitpicking when through a stealth move we remove increased penalties for employers who we know are hiring people who are not authorized to work in this country.

Why? I do not know. Who does it hurt? Only those employers who are violating the law. Why do we want to reduce the penalties on employers who are violating the law?

Final point I will make, young student in college, tries to get financial aid, has been valedictorian in high school. Because he is a legal immigrant, he happens to be qualified for a Pell grant. Gets a Pell grant for 1 year, is now deportable because the person qualified for a Pell grant or maybe a student loan. Crazy.

Mr. DREIER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Scottsdale, AZ [Mr. HAYWORTH], my thoughtful and hard-working and eloquent colleague.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from California for this time. Mr. Speaker, I would make the observation that despite the prevailing winds of what is politically correct, this is one of the few instances in official Washington where a description accurately fits the act it is describing, for this rule and this legislation addresses the problem of illegal immigration. By its very definition, it is an act against the law. And for that reason primarily, if an action is taken which is illegal, there should be sanctions against those who would participate in that illegal act. That is why I rise in strong support of the rule and the legislation.

Mr. Speaker, I come from the border State of Arizona. It is of great concern to the people of Arizona that we close the door on illegal immigration. Hear me clearly, on illegal immigration, because by closing this illegal back door, we can keep the front door open to immigrants who have helped our society and helped our constitutional Republic.

I think of one of them who hails from Holbrook in the sixth district of Arizona, who makes that place her home. Her name is Pee Wee Mestas. She is a restaurant owner. She came to this Nation legally. Her mother applied for a visa, went through the necessary legal steps to become a citizen. Her mother worked hard, going to school, going to cosmetology classes while working as a domestic servant to provide for her family. Pee Wee's mom was willing to work hard and follow the rules. Because she was, she raised up a generation of citizens, citizens who work hard and play by the rules.

That is the basic issue here. End an illegal act and instill responsibility. If it is good enough for the Mestas family, it should be good enough for the United States of America. Support the rule. Support the legislation. Let us take steps to end illegal immigration.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I would like to take this opportunity to offer thanks to the gentleman from California [Mr. BEILENSON] for his guidance, leadership, and vision, and we all are going to miss him.

Mr. Speaker, I rise today to express my strong opposition to this conference report. This so-called immigration reform bill not only attacks a wide range of very hard-working Americans but, worst of all, it wreaks havoc on the lives of children. When did we become such a distrustful society that we would even turn on our most vulnerable members?

In a frenzy to shove undocumented immigrants out of the country, the Republican majority has crafted one of the most offensive pieces of legislation ever. They did not make this bill any better simply by removing the bar on undocumented children attending public school. The conference agreement still severely restricts legal immigrants' access to benefits, even though they play by the rules, they work hard and they pay taxes. But yet those multibillionaires who renounce their citizenship just so they cannot pay taxes, they are welcome to come back.

I ask my colleagues and urge them to vote down the rule and vote this legislation down.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Lula, GA [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, we have heard a lot of terms here the today. One is unfairness. Let me talk about the greatest unfairness there is. That is those citizens and those legal immigrants who are finding their jobs taken away from them, who are finding their taxes increased to pay for the jobs that are going to those who are illegally in this country and the benefits that are going to them.

There are a lot of things that we as Americans hold dear. One is citizenship. Those of us who are lucky to achieve it by the virtue of birth or those who have achieved it by virtue of immigration and naturalization. Another thing we hold dear is that we are a country that has a system of law.

I submit to you that the ever-increasing tide of illegal immigrants undermines both of these things. Citizenship should not be cheapened. Respect for the law, which includes immigration laws, should not be denigrated.

This bill is the first major step this institution has taken in the direction of dealing with illegal immigration in more than a decade. Is it perfect? Certainly not. But does it begin to restore the sanctity of citizenship and respect for the law, yes, it does.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BERMAN].

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, first I want to say to my colleague from California, whom I have known for 34 years, who walked precincts in his first campaign, that I will truly, sincerely and sorely miss him. He is a model legislator and a pleasure to work with. I wish him well.

The gentleman from Arizona, who spoke a few minutes ago, is so totally wrong when he says this is the bill that will finally do something about illegal immigration. Everyone knows, when they think about it, the only effective ways to do something to deter illegal immigration are at the border, and this bill authorizes more Border Patrol, but already the Committee on Appropriations and the administration have gone far beyond the authorization contained in this particular bill to do that. Setting up and committing to a national verification program to make employer sanctions meaningful. This bill started out like that but totally fell apart on the House floor, primarily at the behest of the majority party Members. And then to go after those industries that systematically recruit and employ illegal immigrants in order to have a competitive edge in wages and working conditions in their own operations.

The Border Patrol increase is being done by the administration and the other 2 provisions are outrageously ignored in this conference report.

I voted for this bill when it came out of the House of Representatives. I indicated I would vote for it in the form it was in if the Gallegly amendment was removed. The Gallegly amendment was removed, but in a dozen different ways the conference report is worse than the House bill and in many cases, notwithstanding the Committee on Rules waivers, exceeds the scope of what either House did in the most draconian ways. Draconian against illegal immigration? No. Draconian against legal immigrants.

This is truly a desire by the people who lost on both the House and Senate floor in their efforts to cut back on legal immigration to do the same thing, but in the most unfair fashion, not straightforwardly by reducing the numbers but by focusing on the working class people in the society and stripping them of their right to bring legal immigrants over.

The new welfare law bars legal immigrants from programs such as SSI and food stamps and from Medicaid for 5 years. It gives States the ability to permanently deny AFDC and Medicaid to legal immigrants.

This conference report goes much, much further than that, makes legal immigrants not ineligible for these three or four programs but subject to deportation for use of almost every means-tested program for which they are eligible under the welfare law. In other words, what the welfare conference did not do, they decided to do here, and not declare ineligibility but make you subject to deportation.

Let me tell you what that means. You are a legal immigrant child who goes through high school, applies to a college based on your superb academic performance and test scores. You get admitted to an expensive university, ivy league college, Stanford. You apply for a student loan. If you are on that student loan for more than a year, you are subject to deportation. What an outrageous provision that is. What a slap in the face of this country's traditions that is.

Let me tell you how much else they do here. For the first time in American history, an U.S. citizen will be subject to an income test before he can bring his spouse into the country.

I urge a ''no'' vote on the rule, a ''no'' vote on the conference report.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD], former mayor of Carlsbad, now of Oceanside, CA.

(Mr. PACKARD asked and was given permission to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I rise in very strong support of this rule and the conference report. Immigration has been the most significant critical problem in my State for many, many years. I have worked a lifetime, it seems, on trying to resolve our serious illegal immigration problems. They are affecting southern California and California generally and the Nation generally in very significant ways.

In fact, the two bills that I introduced on the first day that I started this session of Congress, the 104th Congress, have been incorporated into this bill, one of which would increase the Border Patrol to 10,000 agents, and the second would deny Federal benefits to illegal aliens. In essence, that was Prop 187 in California.

But this bill is not only about protecting our borders from those who are entering here illegally. It is about protecting American taxpayers from being forced to pay for those who are breaking our laws just to be in this country. California alone pays out billions of dollars per year to deal with the problems of illegal immigration. This bill will help to ease this problem by removing the incentives for immigrants to cross our borders illegally, and by reimbursing those States who have to incarcerate illegal immigrant felons.

Mr. Speaker, this bill is the culmination of a process that began in California with Prop 187 and continued through the Immigration Task Force called by the speaker. I want to congratulate all those who have worked so hard on it. I particularly want to congratulate LAMAR SMITH, who has worked to put this bill together. I also want to congratulate ELTON GALLEGLY for his efforts, and certainly I will support his bill and the vote on this issue.

Let me conclude by simply telling the minority leader of the Committee on Rules, Mr. BEILENSON, at least on this issue how much I have appreciated working with him. He is one of the gentlemen of the House. It has been a real pleasure to work with him over these years. We will miss him dearly.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY], my very good friend who has chaired our Task Force on Illegal Immigration, former mayor of Simi, CA.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding. I rise today in strong support of this rule.

For the better part of the past decade I have been working to bring badly needed reforms to our Nation's immigration laws. Unfortunately, for far too long I have felt like I was talking to myself.

That is clearly no longer the case. Immigration reform is an issue on the minds of nearly all Americans, and nearly all express deep dissatisfaction with our current system and the strong desire for change. Today we are delivering that change.

I truly believe that this conference report that we will be hearing shortly represents the most serious and comprehensive reform of our Nation's immigration law in modern times. It also closely follows the recommendations of both the Speaker's Task Force on Immigration Reform, which I chaired, and those of the Jordan Commission. Approximately 60 percent of the recommendations made by the Speaker's Task Force have been included in this conference report.

They include, in part, provisions to double the number of Border Patrol agents stationed at our borders to 10,000 agents; expanded preinspection at foreign airports to more easily identify and deny entry to those persons with fraudulent documents or criminal backgrounds; tough new penalties for those who use or distribute fake documents, bringing the penalty for that offense in line with the use or production of counterfeit currency.

□ 1300

Mr. Speaker, the primary responsibilities of any sovereign nation are the protection of its borders and enforcement of its laws. For too long in the area of immigration policy, we at the Federal Government have shirked both those duties. It may have taken a long time, but policy makers in Washington are finally ready to acknowledge the devastating effects of illegal immigration on our cities and towns.

Finally, I would like to congratulate my colleague, the gentleman from Texas [Mr. SMITH], who chairs the Subcommittee on Immigration and Claims for all the effort that he has put into this, putting his heart and soul into this legislation. I would also like to thank him for welcoming the input of myself and other members of the task force in crafting this legislation, and I urge my colleagues to vote yes on this rule and let us pass immigration reform that this Nation sorely needs.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend the gentleman from Imperial Beach, CA [Mr. BILBRAY].

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, as somebody who lives on the border with Mexico and grew up with the immigration issue, I am very concerned to hear my colleagues on the other side of the aisle say, ''Let's not do it now. Let's put it off and try to do something else in the next Congress.''

I as a mayor and as a county supervisor, I worked with the problems in our community with illegal immigration, crime, the impacts on our health care system. In fact, if my colleagues go to our hospitals today, they will see there are major adverse impacts. Talk to our law enforcement people about the major impact of illegal immigration. The cost is not just in dollars and cents.

And I would ask my colleagues on the other side of the aisle, if you don't care about the cost to the working class people, because this illegal immigration does not affect the rich white people, illegal immigration hurts those who need our services and our jobs in this country more than anything else, those who are legally here. But if you don't care about that, let me ask you to care about the humanity that is being slaughtered every day along our border because Washington, not Mexico, not Latin America, not anywhere else in the country, but Washington and the leadership in Washington has pulled a cruel hoax that says, ''Come to our country illegally, and we will reward you. Come to our country, and we will give you benefits.''

I ask my colleagues to consider this:

In my neighborhoods in south San Diego, we have had more people die in the last few years being slaughtered on our freeways, drowned in our rivers, run off of cliffs. More people have died, my colleagues, trying to cross the border illegally in San Diego than were killed in the Oklahoma bombing.

Now I ask my colleagues on the other side of the aisle who wanted to delay and put it off, Would you delay addressing one of the greatest terrorist acts that we have seen in our neighborhoods and along the border than we have seen in our lifetime? If Oklahoma's explosion was so important that we address that slaughter, please do not walk away from the loss of humanity down in San Diego and in California along the border. There are people that are dying because they are told to come to this country and we will reward them.

Please join with us. Support the rule. Let us reform illegal immigration and let us do it now. Quit finding excuses.

Mr. BEILENSON. Mr. Speaker, I yield myself the remainder of our time.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California is recognized for 30 seconds.

Mr. BEILENSON. Mr. Speaker, we urge, as we have before, a ''no'' vote on this rule. The rule allows consideration of a conference report that was not given proper consideration by the conference committee, a conference report on which the minority party had no involvement. More importantly, the conference report that this rule makes in order is a feeble and misguided response to one of the most significant problems facing our Nation. Passage of this legislation will allow employers who hire illegal immigrants to continue to do so and to get away with it. Passage of this legislation will let Congress say that we have done something about illegal immigration when in fact we have not done the real work that we know that we have to do.

The real tragedy, Mr. Speaker, and I say to my friends, is that we have missed here a great opportunity to know what to do. The Members who have worked hardest on this issue know what we need to do.

So I suggest, Mr. Speaker, that we defeat this rule and force the Congress and the President to revisit this issue next year and then produce the kind of immigration reform legislation that the American people want and that this country so badly needs.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time to simply say that this may be the last rule that will be managed by my very good friend from California and to join in letting my colleagues know that he will be, by me, sorely missed. He has been a great friend and, I do appreciate the advice and counsel that he has given me over the years.

Let me say on this particular measure, Mr. Speaker, that as we look at this issue, it has been a long time in coming. Getting to this point has been a struggle, and I should say to my friends on the other side of the aisle that I can certainly relate to the level of frustration that those in the minority have felt, because having gone through four decades of serving in the majority, they find that they are not able to have quite the control that they did as now members of the minority.

But I believe that, as was the case when this bill first emerged from the committee, that it will in the end enjoy tremendous bipartisan support. The measure earlier this year had a tremendous number of votes. As I recall, there were only 80 some odd votes against the bill itself and 330 votes in support of it, and so the vote may not be identical to the earlier one, but I do believe that there will be Democrats and Republicans alike recognizing that this Congress has done more than past Congresses to deal with this problem of illegal immigration.

The American people have asked us to do it, and the 104th Congress has been result-oriented as we go through the litany of items from telecommunications reform, welfare reform, line-item veto, unfunded mandates. We have provided tremendous results, and this immigration bill is further evidence of that.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 165, not voting 14, as follows:

[Roll No. 430]

YEAS—254

Allard	Frisa	Myers
Archer	Funderburk	Myrick
Armey	Furse	Nethercutt
Bachus	Gallegly	Neumann
Baker (CA)	Ganske	Ney
Baker (LA)	Gekas	Norwood
Ballenger	Gilchrest	Nussle
Barr	Gillmor	Orton
Barrett (NE)	Gilman	Oxley
Bartlett	Goodlatte	Packard
Bass	Goodling	Parker
Bateman	Gordon	Paxon
Bentsen	Goss	Payne (VA)
Bereuter	Graham	Peterson (MN)
Bevill	Greene (UT)	Petri
Bilbray	Greenwood	Pombo
Bilirakis	Gunderson	Porter
Bliley	Gutknecht	Portman
Blute	Hall (TX)	Pryce
Boehlert	Hamilton	Quillen
Boehner	Hancock	Quinn
Bonilla	Hansen	Radanovich
Bono	Harman	Ramstad
Boucher	Hastert	Regula
Browder	Hastings (WA)	Riggs
Brownback	Hayes	Roberts
Bryant (TN)	Hayworth	Roemer
Bunn	Hefley	Rogers
Bunning	Herger	Ros-Lehtinen
Burr	Hilleary	Roth
Burton	Hobson	Roukema
Buyer	Hoekstra	Royce
Callahan	Hoke	Salmon
Calvert	Holden	Sanford
Camp	Horn	Saxton
Campbell	Hostettler	Scarborough
Canady	Houghton	Schaefer
Cardin	Hunter	Schiff
Castle	Hutchinson	Seastrand
Chabot	Hyde	Sensenbrenner
Chambliss	Inglis	Shadegg
Chenoweth	Istook	Shaw
Christensen	Johnson (CT)	Shays
Chrysler	Johnson, Sam	Shuster
Clinger	Jones	Sisisky
Coble	Kasich	Skeen
Coburn	Kelly	Skelton
Collins (GA)	Kim	Smith (MI)
Combest	King	Smith (NJ)
Condit	Kingston	Smith (TX)
Cooley	Klug	Smith (WA)
Cox	Knollenberg	Solomon
Cramer	Kolbe	Souder
Crane	LaHood	Spence
Crapo	Largent	Stearns
Cremeans	Latham	Stenholm
Cubin	LaTourette	Stockman
Cunningham	Laughlin	Stump
Davis	Lazio	Talent
Deal	Leach	Tate
DeLay	Lewis (CA)	Tauzin
Dickey	Lewis (KY)	Taylor (NC)
Doolittle	Lightfoot	Thomas
Dornan	Linder	Thornberry
Doyle	Livingston	Tiahrt
Dreier	LoBiondo	Torkildsen
Duncan	Longley	Torricelli
Dunn	Lucas	Traficant
Ehlers	Manzullo	Upton
Ehrlich	Martini	Vucanovich
English	McCollum	Walker
Ensign	McCrery	Walsh
Eshoo	McDade	Wamp
Everett	McHugh	Watts (OK)
Ewing	McInnis	Weldon (FL)
Fawell	McIntosh	Weldon (PA)
Fields (TX)	McKeon	Weller
Flanagan	Metcalf	White
Foley	Meyers	Whitfield
Forbes	Mica	Wicker
Fowler	Miller (FL)	Wolf
Fox	Molinari	Young (AK)
Franks (CT)	Montgomery	Zeliff
Franks (NJ)	Moorhead	Zimmer
Frelinghuysen	Morella	

NAYS—165

Abercrombie	Barcia	Bishop
Ackerman	Barrett (WI)	Blumenauer
Andrews	Becerra	Bonior
Baesler	Beilenson	Borski
Baldacci	Berman	Brewster
Brown (CA)	Hinchey	Olver
Brown (FL)	Hoyer	Ortiz
Brown (OH)	Jackson (IL)	Owens
Bryant (TX)	Jackson-Lee (TX)	Pallone
Chapman	Jacobs	Pastor
Clay	Jefferson	Payne (NJ)
Clayton	Johnson (SD)	Pelosi
Clement	Johnson, E. B.	Pickett
Clyburn	Johnston	Poshard
Coleman	Kanjorski	Rahall
Collins (IL)	Kaptur	Rangel
Collins (MI)	Kennedy (MA)	Reed
Conyers	Kennedy (RI)	Richardson
Costello	Kennelly	Rivers
Coyne	Kildee	Roybal-Allard
Cummings	Kleczka	Rush
Danner	Klink	Sabo
de la Garza	LaFalce	Sanders
DeFazio	Lantos	Sawyer
DeLauro	Levin	Schroeder
Dellums	Lewis (GA)	Schumer
Deutsch	Lipinski	Scott
Dicks	Lofgren	Serrano
Dingell	Lowey	Skaggs
Dixon	Luther	Slaughter
Doggett	Maloney	Spratt
Dooley	Manton	Stark
Durbin	Markey	Stokes
Edwards	Martinez	Studds
Engel	Matsui	Stupak
Evans	McCarthy	Tanner
Farr	McDermott	Taylor (MS)
Fattah	McHale	Tejeda
Fazio	McKinney	Thompson
Fields (LA)	McNulty	Thornton
Filner	Meehan	Thurman
Flake	Meek	Torres
Foglietta	Menendez	Towns
Ford	Millender-McDonald	Velazquez
Frank (MA)	Miller (CA)	Vento
Frost	Minge	Visclosky
Gejdenson	Mink	Volkmer
Gephardt	Moakley	Ward
Geren	Mollohan	Waters
Gonzalez	Murtha	Watt (NC)
Green (TX)	Nadler	Waxman
Gutierrez	Neal	Wise
Hall (OH)	Oberstar	Woolsey
Hastings (FL)	Obey	Wynn
Hefner	Ortiz	Yates
Hilliard		

NOT VOTING—14

Barton	Mascara	Rose
Diaz-Balart	Moran	Williams
Gibbons	Peterson (FL)	Wilson
Heineman	Pomeroy	Young (FL)
Lincoln	Rohrabacher	

☐ 1327

Mrs. CLAYTON and Messrs. DEUTSCH, TORRES, LEWIS of Georgia, and LUTHER changed their vote from ''yea'' to ''nay.''

Mrs. JOHNSON of Connecticut, Ms. FURSE, and Mr. ARMEY changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1330

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 528, I call up the conference report on the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing Border Patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. (Mr. RIGGS). Pursuant to House Resolution 528, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday September 24, 1996, at page H10841.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. SMITH] and the gentleman from Michigan [Mr. CONYERS] each will control 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report gives Congress the best opportunity in decades to address the illegal immigration crisis. Every 3 years, enough illegal aliens enter the country permanently to populate a city the size of Boston or Dallas or San Francisco. Classrooms bulge; welfare jumps; the crime rate soars. Innocent victims pay the price, and law-abiding taxpayers foot the bill.

This bill secures America's borders, penalizes alien smugglers, expedites the removal of criminal and illegal aliens, prevents illegal aliens from taking American jobs, and ends noncitizens' abuse of the welfare system.

By doubling the number of Border Patrol agents and securing our borders, we will protect our communities from the burdens imposed by illegal immigration: crime, drug trafficking, and increased demands on local police and social services. The benefits of securing our borders will be felt not only in border States but throughout the entire Nation.

If we cannot control who enters our country, such as illegal aliens, we cannot control what enters our country, such as illegal drugs. To control who enters, this bill increases criminal penalties for alien smuggling and document fraud. The Nation cannot allow alien smuggling to continue, especially since many alien smugglers are also kingpins in the illegal drug trade.

Illegal aliens should be removed from the United States immediately and effectively. Illegal aliens take jobs, public benefits, and engage in criminal activity. In fact, one-quarter of all Federal prisoners are illegal aliens. This bill will lower the crime rate, lower the cost of imprisoning illegal aliens, and make our communities safer places to live.

This legislation also relieves employers of a high level of uncertainty they face by streamlining the hiring process. It makes the job application process easier for our citizens and legal residents by establishing voluntary employment quick-check pilot programs in 5 States. The quick-check system will give employers the certainty and stability of a legal work force.

Since the beginning of this century, immigrants have been admitted to the United States on a promise that they will not use public benefits. Yet every year the number of noncitizens applying for certain welfare programs increases an astonishing 50 percent. America should continue to welcome those who want to work and produce and contribute, but we should discourage those who come to live off the taxpayer. America should keep out the welcome mat but not become a doormat.

This legislation also ensures that those who sponsor immigrants will have sufficient means to support them. Just as we require deadbeat dads to provide for the children they bring into the world, we should require deadbeat sponsors to provide for the immigrants they bring into the country. By requiring sponsors to demonstrate the means to fulfill their financial obligations, we make sure that taxpayers are not stuck with the bill, now $26 billion a year in benefits to noncitizens.

The provisions in this conference report are not new. These are the same reforms that passed the House on a bipartisan vote of 333 to 87, and in the Senate on a bipartisan vote of 97 to 3. And these are the same reforms that President Clinton has urged Congress to pass and send to his desk.

This bill will benefit American families, workers, employers, and taxpayers across the Nation, but especially in California, Texas, Florida, and other States that face the illegal immigration crisis on a daily basis.

Mr. Speaker, America is not just a nation of immigrants. It is a nation of immigrants committed to personal responsibility and the rule of law. It is time for Congress to stand with the American people and approve this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, we are dealing with a bill that is so flawed, we will need a lot of speakers to make it clear why Members should not support the immigration conference report that is now before them.

What we do to the environment is a crime. The National Environmental Protection Act is the Nation's founding charter for environmental protection, and this bill repeals that law, in effect, when it comes to border-related construction. That means when we are working on highways, roads, bridges, fences, that it is OK to ignore the environment. Do my colleagues really mean that?

This conference report means that border construction can pollute our public waterways anyway, dirty our air, create hazardous point sources that can create dangerous runoffs, and generally ignore any adverse environmental impact of that construction. Do my colleagues really want that in a conference report?

This is yet another Republican attack on the environment. If it pleases my colleagues on the Democratic side, I will offer a motion to recommit the conference report to correct these glaring wrongs.

The next matter that my colleagues should carefully consider is the part that deals with the American workers. What we are doing here is giving us a conference report, and the lack of procedure has been amply dealt with, but what we are doing now is that we are being told to take it or leave it. I think that this amendment process, which we were completely shut out of, deserves a no vote on the conference, regardless of anything Members may like about it.

It was the Republicans, I say to Chairman HYDE, that railed and railed about how unfair we were. It was the Speaker of the House, NEWT GINGRICH, that has railroaded every conference bill for the last year. We do not even come to conference and have a right to offer an amendment. The process alone deserves every Member of this House to reject this conference report on due process procedural grounds.

And then what about the discriminatory aspects of this bill? Not only do we weaken illegal immigration but we say yes to more discrimination, because we now have onerous material that was not even in the bad bill I opposed in committee and on the floor.

We now have included unilaterally provisions that tell employers that they may engage in practices of racial discrimination so long as it cannot be proved that they had intent to violate the law. Coming out of the Committee on the Judiciary, I think it is a very sad day for any legislation to come out doing this to the most sensitive problem in our society.

Vote ''no'' on the conference report.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds and say that the last provision that the gentleman from Michigan referred to was in the Senate bill which passed by 97 to 3.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I listened to the last gentleman in the well and I am a little bewildered because we marked this bill up, it took us 9 days, and we dealt with 103 amendments, 39 of which were decided by rollcall vote. The bill, when we finally got it to the floor, passed 333 to 87 in the House and 97 to 3 in the Senate. Prior to introducing the bill, the House Immigration Subcommittee heard from more than 100 witnesses and the Democrats were present and participated fully. So the gentleman, I think, is mistaken.

In any event, this is among the most important pieces of legislation this Congress will handle. A country has to control its borders. A country has the right to define itself. I think this is a

good bill. It cannot please everybody, but it pleases a lot of people and I think it ought to pass.

I am pleased to speak in support of the conference report on H.R. 2202, because I believe it will facilitate major progress in addressing one of our Nation's most urgent problems—illegal immigration. In reconciling House and Senate versions of this landmark legislation, we provide for substantially enhanced border and interior enforcement, greater deterrents to immigration related crimes, more effective mechanisms for denying employment to illegal aliens, and more expeditious removal of persons not legally present in the United States.

The most difficult matter for the conferees to resolve concerned public education benefits for illegal aliens. Because public education is a major State function, the House had recognized the interests of each individual State in issues involving public school attendance at State taxpayer expense.

In that connection, we appreciated the fact that concerns about the welfare of unsupervised children and adolescents might lead many States to continue providing free public education to undocumented aliens—and we did nothing to discourage such choices at the State level. The compromise House and Senate conferees initially developed, both gave expression to the right of a State to choose a different course and extended important transitional protections to current students. Because of an explicit veto threat from the President, however, we subsequently decided that it would be preferable to address this entire issue in the context of other legislation rather than place at risk the many needed enforcement-related provisions of this bill.

The conferees also struggled with the issue of how to fairly and expeditiously adjudicate asylum claims of persons arriving without documents or fraudulent documents. We recognized that layering of prolonged administrative and judicial consideration can overwhelm the immigration adjudicatory process, serve as a magnet to illegal entry, and encourage abuse of the asylum process. At the same time, we recommended major safeguards against returning persons who meet the refugee definition to conditions of persecution.

Specially trained asylum officers will screen cases to determine whether aliens have a ''credible fear of persecution''—and thus qualify for more elaborate procedures. The credible fear standard is redrafted in the conference document to address fully concerns that the ''more probable than not'' language in the original House version was too restrictive.

In addition, the conferees provided for potential immigration judge review of adverse credible fear determinations by asylum officers. This is a major change providing the safeguard of an important role for a quasi-judicial official outside the Immigration and Naturalization Service.

The conference document includes a House provision I offered in the Committee on the Judiciary to protect victims of coercive population control practices. Our law—which appropriately recognizes persecution claims in a number of contexts—must not turn a blind eye to egregious violations of human rights that occur when individuals are forced to terminate the life of an unborn child, submit to involuntary sterilization, or experience persecution for failing or refusing to undergo an abortion or sterilization or for resisting a coercive population control program in other ways. A related well-founded fear clearly must qualify as a well-founded fear of persecution for purposes of the refugee definition.

Our modification of the refugee definition responds to the moral imperative of aiding victims and potential victims of flagrant mistreatment. We also take a public stand against forcible interference with reproductive rights and forcible termination of life—a stand that hopefully will help to discourage such inhumane practices abroad.

This omnibus legislation includes a number of miscellaneous provisions that are responsive to a range of problems. For example, certain Polish applicants for the 1995 diversity immigrant program reasonably anticipated being able to adjust to permanent resident status; by facilitating their adjustment in fiscal year 1997 we effectively rectify a bureaucratic error. We also recognize the equities of certain nationals of Poland and Hungary who were paroled into the United States years ago—and thus entered our country legally—by affording them an opportunity to adjust to permanent resident status. I welcomed the opportunity to seek appropriate conference action in these compelling situations.

This omnibus immigration legislation makes major needed changes in the Immigration and Nationality Act. The primary thrust of the conference document is to respond in a measured and comprehensive fashion to a multifaceted breakdown in immigration law enforcement. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT] who is completing his 14th year. He has served with great distinction in the Congress on a variety of committees, including the House Committee on the Judiciary.

Mr. BRYANT of Texas. I thank my good friend from Michigan for yielding me this time and for those nice remarks.

Mr. Speaker, the gentleman from Illinois [Mr. HYDE] and the gentleman from Texas [Mr. SMITH] have spoken of a bill that passed by wide margins. Indeed it did. But it is not the bill before the House today, and that is the whole point that we are making. It was changed radically before it even got to the floor by the leadership. It has been changed radically since, and that is why we say to Members today, vote for the motion to recommit but do not vote for this bill.

Members of the House, I was a cosponsor of this legislation. I stood in a press conference alongside the gentleman from Texas [Mr. SMITH] and said we have got to do something to reduce legal immigration and to reduce illegal immigration. With a great deal of criticism from many people on my side, I said we had to pass a bill, and I was for the bill we introduced. But that is not the bill that is before the House today.

We put together a bill that was to have reflected what the Barbara Jordan Commission recommended to us was to have been a bipartisan bill. It was going to be tough on employers that hire illegal aliens and include tough measures to stop illegal aliens from coming into the country and taking jobs.

But somewhere along the way, in the back rooms, the stuff that was tough on the folks that bring illegal aliens here, and that is to say, the employers that attract them here with a promise of jobs, somehow it disappeared, and in its place was put a list, a wish list offered up by lobbyists for the biggest employers of these illegal aliens in the country.

The bill that passed the House committee included 150 wage and hour inspectors that were asked for by the Jordan Commission. The Senate bill included 350. Why? Because people that hire illegal aliens also violate the wage and hour laws. Why? Because half of the jobs in this country that are lost to illegal aliens are lost to illegal aliens that did not get here by sneaking across the border. They are the ones that got here with a visa, but then they did not go home, they overstayed the visa. You can put a million Border Patrol agents at the border, but you are not going to find that one-half of the problem. The only way you are going to find it is with wage and hour inspectors. Those are gone from the bill. Why? Because some lobbyist for an employer somewhere wanted it done.

The bill eliminates the increased civil penalties for employers to tell them we are not going to put up any more with chronic violators of the laws that say you cannot hire people that are not citizens or are not here legally. Those enhanced civil penalties are gone. Why? Because the American people wanted them gone? Because the Jordan Commission said that they ought to be gone? Of course not. Because a lobbyist for an employer that hires illegal aliens came down here and said, ''Mr. GINGRICH, you Republicans do your job and get us off the hook.'' And that is exactly what they did.

□ 1345

They also added into the bill gratuitous language that eliminates the anti-discrimination provisions in the current law. Not in the bill, but in the current law. We passed a bill in 1986. Many Hispanics said this is going to result in inadvertent discrimination against Americans who are of Hispanic descent because they are going to be confused with somebody who is here illegally.

The GAO, after the bill was passed, did a study and found that they were right, so we included in the law strong prohibitions on discriminating against people in the course of asking for a job by asking them for too many papers or giving them a hard time when they come to the workplace. The law says you can ask for one of several papers, and that is all you can do.

But now the Republican provision says it does not make any difference if you ask them for all the papers in the world. If you cannot prove you intended to discriminate against them,

you are not guilty of discrimination. That is a fundamental violation of the compact that we made between the groups in this country that make up our population, so that no one would be disadvantaged by the enforcement of a bill and law that is difficult to enforce. Well, it is gone.

The simple fact is this: What the employers that hire illegal immigrants wanted got done in this bill, and what working Americans who need to have their jobs protected, from being lost to illegal aliens, was not done. Worse, those that are the subject of discrimination, inadvertent or advertent, now have lost their protection.

Mr. Speaker, this is not a good bill. I can see the handwriting on the bill. I know it is an election year. Anti-immigration rhetoric is real good in an election year, and I am sure we are probably going to see a lot of folks coming down here thinking well, I should not vote for this, but I am probably going to have to. You do not have to. Vote for the motion to recommit. We fix all of these problems and a few I do not have time to mention. Vote for the motion to recommit. Vote against the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND], who has been such a fighter in our effort to reduce illegal immigration.

Mrs. SEASTRAND. Mr. Speaker, I rise in very strong support of the conference report to H.R. 2202. It has completely rewritten the laws regarding the apprehension and removal of illegal aliens and will fully fund initiatives to double the size of our Border Patrol and increase the level of immigration enforcement in the interior of these United States. It will implement a strategy of both prevention and deterrence at our Nation's land borders.

This legislation will require aliens who arrive at our airports with fraudulent documents to be returned without delay to their point of departure, making it far more difficult for aliens to enter the United States, either across our land borders or through our airports. It will also aggressively attack immigration-related crimes. It is going to increase penalties for alien smuggling and document fraud and expand the enforcement capacity against such crimes. It will also make it easier for employers to be certain that they are hiring legal workers by providing a toll-free worker verification number that employers may call to verify the eligibility of employees to work legally in the United States.

I will just tell you, America, and especially California, needs immigration reform, and we need it now.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK], the senior member of the Committee on the Judiciary, who has worked with great diligence on trying to reform the bill.

Mr. FRANK of Massachusetts. Mr. Speaker, we have here Congress and American politics at its absolute worse. We have a very important issue, illegal immigration.

I worked for a very long time in a bipartisan way with departing Senator AL SIMPSON, whose departure I regret now even more than before, and others, in 1986 and in 1990 to fashion legislation in a bipartisan way to deal with this problem. Bipartisan, because this is not and ought not be an ideological issue. Some issues are legitimately partisan.

I was sorry to here hear the chairman of the Committee on the Judiciary defend the shabbiest legislative procedure I have ever seen here. Yes, we had full markups; yes, we had full debates. And then once we did, this bill disappeared into a series of secret meetings between the Republican House and Senate staffs, it seemed to me, with some input from the Members, and the Dole campaign, and virtually all of the things on which we seriously worked in committee disappeared, and others appeared.

Now, this is a popular issue, getting rid of illegal immigrants to the extent that we can, as it ought to be. Unfortunately, this is a bill which does not do nearly as much as it could to diminish illegal immigration, and, instead, as the gentleman from Texas noted, makes it a little easier than it used to be for people to take advantage of them once they are here.

This is a bill that says gee, it would be nice if there were not so many illegal immigrants, but as long as they are here, maybe we can get a little cheap work out of them. That is the general thrust.

But then it does other things. I want to talk about one thing that appeared that was in neither bill.

At the Republican Convention we had speakers who talked about AIDS and how terrible it is. When the Republican leadership amended the military bill to say that if you are HIV positive you would be forced out, that was recognized to be a mistake and it was repealed. But here they go again.

What they have done is to take the issue of illegal immigration, a popular issue, and use it as a shield behind which to do ugly things to vulnerable people. The gentleman from Texas pointed out the extent to which they are weakening the civil rights protection. Here is another thing they do. It was not in either bill. It has not been voted on, and in the most extraordinary arrogance ever seen, we were not allowed to offer an amendment on this or any other thing in the conference. Because I will give my Republican leadership friends credit, they know how embarrassing this is, and therefore they are determined not to let anyone vote on it, so they did it in a forum in which you could not vote.

They simply say, OK, we got a bill on illegal immigration. By the way, they are going to stick in a couple of these things, and you have no way to vote, other than no on the whole bill.

The one I am talking about has to do with people who are HIV positive. This bill says if you are a legal immigrant, you came here legally, and there has been some economic misfortune and you get very sick, you cannot take federally-funded medical care for more than a year. That in and of itself seems to me to be cruel and unfair.

But then they say, well, in the interest of public health, we do not want epidemics around, we will make an exception for communicable diseases. That was in the bill as it came out.

Then, in the mysterious darkness that they use instead of a conference report, they gave an exception to the exception. What is the exception to the exception? If you are here legally and you are HIV positive, you may not get any treatment if you need Federal funds. If you are here legally and you contracted this terrible illness, which they profess to think is something we ought to fight, then you are, by this bill, condemned to death, with no help, because you cannot get Federal assistance.

I guess when they tote up the death penalties that they want to take credit for, they ought to add one: Legal immigrants here with HIV illness.

They created an exception for communicable diseases, but then they created an exception to the exception, so that if you are here legally and you get HIV, no matter how, and, by the way, we have changed the law, I did not agree with it, but this is the law, no one is now challenging it, so if you are known to be HIV positive and we test you, you cannot come in. So we are not talking about becoming a magnet for people who are HIV positive to come here. There is already a limit on that. What we are talking about are people who are here and become HIV positive, or who are here and become HIV positive when they got here, and they are denied medical treatment for more than 12 months, which, of course, if you are HIV positive, is the medical treatment you need.

What is the reason for that? What is that doing in a bill to deal with illegal immigration? I am talking about illegal immigrants. They can be deported if they take advantage of this medical care. I do not think it is a good idea to deny medical care to people in need elsewhere.

But this? We said ''Gee, we made a mistake. We should not kick people who are HIV positive out of the military.'' Should we kick them out of existence? Because that is what you do when you say to people who are here and do not have a lot of money and who are HIV positive, that you cannot get any medical treatment beyond 12 months.

I take it back. When they are about to die, then I guess they can get some.

This is an unworthy substantive and procedural piece of legislation, and it ought to be defeated.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from

Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary.

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this legislation, and I commend the gentleman from Texas for his outstanding work, in working so hard to put together a bill that has had very, very difficult times getting different pieces of legislation included.

I agree with some of the Members on the other side that I would like to see legal immigration reforms. I would like to see an employer verification system that really will help employers screen out fraudulent documents. But it is time for us to do and see the good things that are in this bill.

So I strongly disagree with those who did not get one piece of legislation into this bill that they would like or dislike and are going to vote against the entire bill, which they admit has dozens and dozens of positive, good illegal immigration reforms dealing with cracking down on illegal entry at our borders, dealing with illegal overstays in the country, dealing with cutting off access to government benefits for people who are not lawfully in this country.

Mr. Speaker, I urge the support for this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN], one of the only two medical doctors in the House.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I just want to answer a couple of questions about this in terms of HIV in regard to AIDS. This bill does not deny treatment to legal immigrants that have AIDS. What it says is the government does not have a responsibility to pay for that treatment on non-U.S. citizens. I think if we poll the vast majority of the people in this country, I think they would agree with this.

The second thing is most Americans in this country pay for their own health care, either through a health plan, insurance payment, or working. They pay for their health care. We have created a class in this country that does not feel that it should pay for its health care on a disease that at this point in time the vast majority of which is a preventible disease.

The third point that I would like to make is that this bill does deny AIDS treatment to illegal immigrants, illegal. Yes, it does. Illegal immigrants, those people who are here illegally. So what we are saying with this bill is that if you have a sponsor and you are here legally, that sponsor should cover for your cost of the AIDS treatment.

Mr. BRYANT of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I understand why the gentleman did not want to yield. The bill does not say that legal immigrants can get AIDS treatment and illegal cannot. It gives disabilities to both of them for getting it with Federal funds. Anybody who can pay for it on their own the bill does not affect. The bill says with regard to legal and illegal immigrants, they cannot get it with Federal funds. The distinction between legal and illegal does not exist in the bill. The degree of penalty may be different. In both cases the bill says if you are here legally or illegally and you have HIV, you cannot be treated with Federal funds. That includes legal immigrants.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds to say what the bill says, and that is it does not deny AIDS treatment to legal immigrants. It simply says the immigrant's sponsor, not the American taxpayer, should pay for the treatment.

Mr. BRYANT of Texas. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts. [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, it is a good sign that they are uncomfortable when it is described accurately. It does not just say you go after the sponsor. If you are a legal immigrant and you are treated, you can be deported for it. It becomes a deportable offense to be a sick person who gets treated if you have AIDS. At least describe accurately the harm you are inflicting on people.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, let me take 10 seconds out of the beginning of my short remarks here as a border State Congressman from California.

One of the greatest selling jobs of all-time was to take the behavioral conduct ring out of the word AIDS. If we were discussing this as what it is, a fatal venereal disease, and it had the ring of syphilis, which is no longer fatal, I do not think we would be going back and forth like this. We would say illegal immigrants cannot get treatment for syphilis, and if they are legal then their sponsor has to take care of it.

But because we have done this magnificent PR on the only fatal venereal disease in the country, we still go back and forth as though AIDS is a badge of honor. It shows you are a swinger and you are part of the in crowd in this country. Sad.

I cannot add anything to the brilliance of the gentleman from California [Mr. GALLEGLY] or the gentleman from Texas or the people who have worked out an excellent piece of legislation. I just, for my 5 grown children and my constituents, want to get up and say: Illegal-legal. Illegal is lawbreaking; law breakers have no rights in this country.

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Mr. BRYANT of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I want to join my other colleagues in indicating how sorely I will miss my friend from Texas, who is really a great Member of Congress, and I am sorry he will be leaving this body.

The people of my congressional district and of southern California, and probably the entire country, desperately want us to do something effective to stop illegal immigration. It is wrong to conclude that the people who voted for Proposition 187 are racist or xenophobes. They are people who are looking at what has happened: The employer sanctions did not work, the other strategies did not work, the refusal or earlier administrations to fund the Border Patrol and the Congress to appropriate the money left the border essentially unprotected. They want something done.

The problem with this bill is it cons the American people into thinking major new steps are going to be done.

This President is the first President to put the money where the mouth is. He has proposed, and the Committee on Appropriations, to its credit, has funded massive increases in Border Patrol. He has initiated through Executive order an expedited procedure for asylum, which has reduced those frivolous asylum applications by 58 percent. We are depositing more criminal aliens and more illegal immigrants than we ever did before, and all the trend lines are up.

What the Jordan commission and every single independent academic study of this issue says, without a verification system we will never make employer sanctions meaningful. Nothing else. Nothing else is serious if we do not do that and make a commitment to do that.

Second, we know there are industries that systematically recruit and hire illegal immigrants, and for reasons that I do not know, the gentleman from Texas [Mr. BRYANT] has a theory which sounds plausible to me, this conference committee struck inspectors and investigators to cover those industries. We should not be conned.

Let me turn to what it does with legal immigrants. For the first time in American history, even when we had the moratoriums on immigration, a U.S. citizen, and, remember, this bill puts an income requirement on petitioning for spouses. An individual has to make 140 percent. Fifty-three percent of the unmarried American people do not make 53 percent, do not make 140 percent of the poverty standard. Mr. Speaker, 53 percent of the American people do not make it.

A graduate student woman in medical school, who is not making that money, falls in love and marries a physician in France. She cannot bring him in because, even though he is affluent, has all the assets needed, there is no indication in the world he will go on any government program, she cannot bring him in.

This is the stupidest as well as the meanest provision I can imagine. When

we had moratoriums on immigration in this country, we allowed U.S. citizens to bring in their spouses. Why would we want to change that now?

I urge a ''no'' vote on a bill that is soft on illegal immigration and harsh and mean on legal immigrants.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER], who has contributed so much to this bill.

Mr. HUNGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, for my friend who just spoke, let me set the record straight. When he claimed the Clinton administration has funded thousands and thousands of Border Patrol agents, Republican amendments have added 1,700 Border Patrol agents over the last 3 years above and beyond what the Clinton administration requested. President Clinton cut 93 Border Patrol agents in the fiscal year 1994 budget. We added 600. The next year we came with an additional 500, and the next year with an additional 400 agents.

The Clinton administration has been dragged kicking and screaming to the border. They have opposed the border fence every step of the way.

My last point is, even after they opposed the additional Border Patrol agents, President Clinton then sent his public relations people to San Diego to welcome the agents that he had opposed. If these people just linked arms, all the Clinton public relations people, we would not need a Border Patrol because they would stretch across the entire State.

Mr. BRYANT of Texas. Mr. Speaker, I yield 10 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I would say to my friend, the gentleman from California knows that no President has proposed more Border Patrol agents than this President. The Committee on Appropriations, not the authorizing committee, the Committee on Appropriations has funded those positions and more. He has signed those bills. We are doing more now than we ever did before.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY], the chairman of the House task force on illegal immigration.

Mr. GALLEGLY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, this is truly a humbling moment for me because this conference report is something that truly I wondered if we would ever see in this body.

I came to Congress nearly a decade ago, and since that time my overwhelming focus has been on two things: to stop the unchecked flow of illegal immigration in this country and to find a way to convince those that are already illegally in this country that it is time to go home. This conference report goes a long way toward accomplishing both of those objectives.

For many years many of us in California, Texas, and other States that have been disproportionately impacted by illegal immigration have been walking through the halls and through this body ringing alarm bells. We have been urging this Congress to wake up to the fact that our country is, in effect, under a full-scale invasion by those that have no legal right to be here yet who come by the thousands every day and consume precious social benefits that are denied every day to legal residents who are truly entitled to those benefits.

Today this is a different bell ringing in this Chamber, Mr. Speaker, and the bell is a bell of change. The passage of this conference report finally signals the willingness of this Congress to seriously address the issue of illegal immigration.

Mr. Speaker, we are a generous Nation, by far the most generous Nation on the face of the Earth. This legislation does not endanger or threaten that generosity but, in fact, it does nothing more than to preserve it.

The simple fact is that the greatest potential threat to legal immigration is illegal immigration. There are many who would see us close the front door to legal immigration because the back door to illegal immigration is off the hinges. We simply cannot allow this to happen. I believe this conference report goes a long way toward ensuring that it never will happen. I urge its passage.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I want to point out a couple of important health consequences from this bill.

In the welfare bill we excluded legal aliens from health care but we left those who are already patients to be covered under Medicaid. They are now excluded.

Second, we exclude any legal alien from any Medicaid services whatsoever. That is going to put a burden on the counties and the States and on the hospitals and on people who pay for private insurance when that insurance goes up, because a lot of people are still going to get care, but their care is going to have to be paid for by someone else.

On the AIDS issue, what we are doing is really a disastrous policy. This bill provides that all people can be tested but they cannot get care. Why would anybody want to come to know whether they are HIV positive if they cannot then get any medical care to assist them? They will rather be ignorant about it and spread the disease.

For those of us who call ourselves pro-life, understand that this bill would allow a pregnant women to be tested; but when she is determined to be HIV positive, she will not be allowed to have the Government pay for her AZT to stop the transmission of HIV, which is successful under this treatment to two-thirds of those children.

We will condemn babies to getting AIDS when it could have been prevented. That, to me, is antilife and nonsensical, and this bill smacks of a lot of injustices that have not been thought through.

I want to point this out to Members as another reason to vote against a very unjust bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, every substantive issue in the bill before us today has been voted on by the House or the Senate. I would say to my colleagues on the other side that even in welfare, many of them, no matter what we did, they would vote against it, both for political reasons and issue reasons.

In California over two-thirds of the children born in our hospitals are to illegal aliens. Members should take that into effect when they are talking about helping the poor and American citizens and taking away funds from Medicaid.

We have over 400,000 children K through 12. At $5,000 each to educate a child, that is over $2 billion. They should try to take that out of their State for education.

Some 70 percent of the environment is done at the State level. Members should think about $3 billion taken out of their States. They could not afford that.

This bill does not help all of those things. Prop 187, that the Gallegly amendment was in, passed by two-thirds in California. It has been taken out of this.

There are some things in here that I do not like as well, but I would ask my colleagues on the other side to think about how they could afford it in their States, and I think it would be very difficult.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in strong support of this conference report and commend the gentleman from Texas, Chairman SMITH, for his great leadership in bringing this bill to the floor.

As legislators we work on an endless number of issues, but today we are addressing one of our Nation's most critical, that of protecting our borders. H.R. 2202 not only secures our borders with the addition of 5,000 new Border Patrol agents, it also streamlines the deportation of criminal aliens, protects American jobs and holds individuals responsible to support immigrants that they sponsor, and, finally, eases the tax burdens on all Americans.

It is no longer possible to ignore the magnitude of the illegal immigration problem. These reforms will go a long way toward restoring reason, integrity, and fairness to our immigration policy and to controlling our borders. Through the adoption of this conference report, the 104th Congress achieves another commonsense change for a better America.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, this bill, which contains some valid provisions to enforce our immigration laws, has been poisoned with unconscionable provisions that violate fundamental American values.

The bill would deny treatment to people with AIDS but not to people with syphilis. It would promote discrimination in employment by removing provisions of Federal law, of present law, designed to prevent that.

The bill would not permit an American citizen, denied a job because the Federal Government made a computer mistake, from recovering damages. This is outrageous and will result in Americans being denied jobs and having no recourse.

The agreement will undermine American family values by curtailing the ability of American citizens to sponsor the entry of family members into the community.

The bill exempts the Immigration and Naturalization Service from our environmental laws, even though none of these laws have ever hindered the enforcement of immigration laws.

The bill will send genuine refugees back to their oppressors without having their claims properly considered. If a person arrives at the border without proper documents, the officer at the border can send that person back without a hearing. Guess who cannot get proper papers? Refugees. A refugee cannot go to the Gestapo and KGB and say: I am trying to escape your oppression, please give me the proper papers so I can go to America.

The bill eliminates judicial review for most INS actions. Just think, a Federal bureaucracy with no judicial accountability. When did the Republicans become such spirited advocates of unrestrained big government? No government agency should be allowed to act, much less lock people up or send them back to dictatorships, without being subject to court review.

☐ 1415

Should we ensure that our immigration laws are respected and enforced? Of course. Do we need to undercut public health efforts, destroy our environment, debase our fundamental values, violate the rights of American citizens and waste taxpayer dollars on foolish or dangerous enterprises in order to enforce our immigration? Of course not.

This bill is not a credit to this country. I hope Members stand up for American values and vote ''no.''

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I support the passage of this important immigration conference report. The American people want and expect the Federal Government to do its job of controlling our borders. We have a strong obligation in protecting our citizens from illegal criminal aliens, who prey on them with drugs, and other crime-related activity.

I am particularly proud to support this immigration bill which includes some of my own initiatives directed at these serious threats from criminal aliens, engaged in both the illicit drug trade as well as international terrorism.

The first provision provides clear authority to our National Guard units to allow them to move criminal aliens facing deportation to INS deportation centers, when these aliens have engaged in drug related offenses. In the past, many States did so effectively with their National Guard units. My provision restores that vital authority to our National Guard as part of its counterdrug mission.

The National Guard can now help expedite the deportation out of the U.S. on Guard air flights of large numbers of these criminal aliens involved in the deadly drug trafficking in our communities after they serve their jail time, and before they can return to the streets, and once again in their trade in drugs. I hope many Guard units will do so.

The provision recognizes the limits on the INS's inability to individually transport numerous criminal aliens for deportation, using INS personnel on commercial flights. We have provided one more effective tool in the war on drugs, the use of our National Guard in the deportation of criminal aliens involved in drugs.

Nearly one-fourth of our Nation's jail cells in the United States, are occupied by criminal aliens, mostly those who have engaged in drug related offenses. We need more effective and creative tools to handle this crisis. I hope that our State and local authorities and the INS takes advantage of this assistance that the National Guard can provide.

New York City Mayor Giuliani on ''Face the Nation'' recently said it best with regard to our Nation's drug crisis, including criminal aliens, on what the Federal Government can best do to combat the serious drug problems facing our cities and local communities:

What the Federal Government could do is to deport more of the illegal drug dealers that we have in our city (sic) unfortunately, very few deportations take place of the people who are actually selling drugs who are illegal immigrants and that would be very helpful.

My provision helps do just that. Senator Dole has wisely urged an even greater role for our excellent National Guard already involved in the battle against illicit drugs. Today we provide the first installment on Senator Dole's wise call for additional Guard action.

My other provision in the conference provides for criminal asset forfeiture penalties for visa and passport fraud and related offenses surrounding misuse or abuse of these key entry and travel documents.

Nine of the original indictable counts in the World Trade Center terrorist bombing involved visa or passport fraud. It was clear that those responsible for that bombing misused our travel and entry documents to facilitate their deadly terrorist blast. By this measure we have made those who would make and help create fraudulent visas and passports to promote terrorism and drug smuggling here at home, subject to even tougher penalties.

The potential loss of the printers, copiers, buildings, and large financial proceeds of this massive illicit business in key U.S. travel and entry documents, should help further deter terrorism and other criminal activity, facilitated by these fraudulent travel documents.

Although this is a good bill, I am hopeful that the sponsors will review provisions in the conference report that would greatly expand ''deeming'' for legal immigrants beyond the compromise agreed to in the recently enacted welfare bill, which combines the income of the immigrant and the sponsor for Medicaid eligibility determination. Regrettably, the deeming provisions may adversely affect many States with high immigrant populations, including New York, which are implementing welfare reform. The result may potentially cause a marked increase in the amount of uncompensated care for area hospitals and increase the costs of the Ryan White treatment program. I have brought this issue to the attention of Chairman SMITH and have asked him to consider the contention that confusion is likely to result as the States implement the language of the two bills and I thank him for that consideration.

Accordingly, Mr. Speaker, I am pleased to support the conference report, and urge its adoption.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this conference report. Today when this bill passes, the American people will be able to judge for themselves who is on their side and who is for draining dollars meant for our people, draining those dollars away from American families and taking them and giving them to foreigners who have come to this country illegally.

We have had to fight for years, first through a democratically controlled Congress and now this administration which has fought us and dragged us by the feet every step of the way but we have finally got a bill to the floor.

Giving illegal aliens benefits that should be going to our own people is a betrayal of our people. People who are sick, they come to our borders. Yes, we care about them. I do not care if it is AIDS or tuberculosis. But if someone is sick and illegally in this country, they should be deported from this country to protect our own people instead of spending hundreds of thousands of dollars that should go for the health benefits of our own citizens. The question is, To whom do we owe our loyalty? Who do we care about? The American people should come first.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY] who actually lives on the border and faces the crisis of illegal immigration every day.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this conference report. I would like to thank Chairman SMITH and Chairman SIMPSON for the leadership they have shown on this bill. I would also like to commend Senator FEINSTEIN of California for her commitment to make the conference report work and encourage the President to sign it into law.

I think that the public is sick and tired of seeing the partisan fighting on important issues such as this. Senator FEINSTEIN had a major concern about one portion of the bill, part of the bill I feel strongly about, and that is the issue of the mandate of the Federal Government that we give free education to illegal aliens while our citizen and legal resident children are doing without. But, Mr. Speaker, this Member, and I think the American people, are not willing to kill this bill because of a single provision.

I think there are those who will find excuses to try to kill this bill and try to find ways not to address an issue that has been ignored for over a decade.

We must not forget that California has been disproportionately hit with paying $400 million a year in emergency health care, $500 million for incarceration costs, and $2 billion in providing education for illegal aliens in our State.

Congress must still recognize that these are federally mandated costs and it is up to the Federal Government to either put up or shut up in ending these unfunded mandates.

Thank you, Mr. Speaker, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime.

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. MCCOLLUM. Mr. Speaker, I rise in support of this bill today. It is a very, very fine product. H.R. 2202 is a much needed boost to our efforts against illegal immigration.

Included in the bill are 5,000 new border patrol agents, more INS agents to track alien smugglers and visa overstayers, more detention space for illegal aliens, and the list goes on and on.

I am most pleased that many of the asylum reform provisions that we have needed for years and I worked on with the gentleman from Texas for years are now in this bill. We have very generous asylum laws but now we are going to have provisions that make it a lot more difficult for somebody to come here and claim that they have a fear of persecution if they are sent back home to their native country, when they really do not, and be able to overstay and stay and get lost in our country and never get kicked out. Instead we have got a provision that I think is very fair for summary and expedited exclusion which, by the way, is already law as a result of the antiterrorism bill earlier this year but which we are making much more livable and a better product today.

Also we have in here some efforts to try to get document fraud under control. We lessen the number of documents used in employer sanctions where we attempt to cut off the magnet of jobs by a 1986 provision that makes it illegal for an employer to knowingly hire an illegal alien. There were far too many documents that could be produced to get a job. Now we have reduced that number to a manageable number.

What is left to be done is we need to find a way to get document fraud out of it. I think that some steps are taken in this bill, not enough, and I have introduced another separate piece of legislation I hope passes the next Congress to make the Social Security card much more tamper-proof than it is today.

We also have some provisions in here I think are important with regard to Cuba. We have allowed the Cuban Adjustment Act to continue to operate and with regard to the expedited exclusion issue, we have made a special provision so that those Cubans who arrive by air are going to be not subject to that particular provision.

We have also taken care of student aid problems that were earlier in this bill, whereby if you are deemed to have the money value in your pocket of your sponsor, you no longer will be in the case of education, at least for student aid purposes, excluded from those benefits.

The bill is an excellent bill. I urge my colleagues to adopt it and we need to send it down to the President and get it put into law.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, for generations immigrants have played a vital role in our economy, but today immigrants play the role of villain in the Republican's morality play. By exploiting a false image of millions of illegal immigrants crossing the border into the United States, NEWT GINGRICH and his Republican allies have crossed the border from decency to indecency.

After all, under this bill the simple idea of uniting with your closest family members will become a luxury that only the wealthiest will be able to afford. The Republicans say they want to get tough on crime, so how do they do that? Under this bill legal immigrants are deportable for the crime of wanting to improve their education to adding something to this country. That is right, under this bill if you are a legal immigrant and you use public benefits, including a student loan for more than a year, you are shown the door. What does that accomplish? It means that we throw our young people who are taking steps to gain an education and job skills and, yes, improve their English skills also. It means that this bill does not simply punish immigrants, it punishes all Americans who benefit from contributions that immigrants make to our Nation. Let us defeat this sad, cynical, and shortsighted legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

(Mr. HORN asked and was given permission to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, legal immigration, yes; illegal immigration, no. Californians and residents of other border States have been fighting illegal immigration for years. It took the current Republican majority to take a serious look at this issue. Do not listen to the charges of those who oppose this bill. It is not cruel to ask immigrants and their sponsors to live up to their obligations. It is not heartless to try to put some teeth in our immigration laws. It is a pretty sad day when you can jump a fence, have more rights in this side of the border than when you are coming through legally. We need to protect legal immigration.

Recently I held a hearing near the border. Our border in southern California is still a sieve. They have simply moved the problem 40 miles east. They refuse to indict those that are coming over with drugs. And generally it is chaotic still. What it means, we had gained more congressional seats but that will not be good for everybody east of California, I am sure. So I would hope we would have the help of our colleagues throughout this Chamber because this is a national problem, not just a Southwest, Southeast problem.

Mr. BRYANT of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I want to commend the chairman and the ranking member. They worked very hard with this bill. There are still some problems. The common perception is that once you get the Gallegly amendment out, the bill is OK. The problems are still there and more work is needed on this bill.

The Endangered Species Act, nobody has talked about it today, but it is part of this package. In other words, the Environmental Policy Act and the Endangered Species Act are waived if we are talking about construction of roads and barriers at the border. That is not right.

Mr. Speaker, this bill also rolls back three decades of civil rights policy by establishing an intent standard. It exacerbates the results and the effects of the welfare reform law but now it seems that we are castigating legal immigrants.

This bill includes back-door cuts in legal immigration by establishing a

new income standard. It guts the American tradition we have always had to refugees by including summary exclusion provisions that are going to require instant return of any refugee.

Perhaps, most importantly, what this bill does is it is tougher on legal immigrants and American workers than on illegal immigration. It makes life harder for American workers and easier for American businesses. Eliminated are provisions in the bill to increase the number of inspectors for the Department of Labor to enforce worker protections, the Barney Frank amendments that allowed us in the past to vote for this bill. This bill also strips authority from the courts with provisions that will eliminate the power of the courts to hold the INS accountable and eliminate protections against error and abuse.

I want to return to the Barney Frank provisions that allowed many civil libertarians, those concerned with civil rights, when we passed very tough employer sanctions in the old immigration bill, to support this bill because we knew there would be recourse if there was discrimination. All of these inspectors, all of these that enforce civil rights provisions are eliminated from this bill. That is a key component that is going to hurt American workers.

This bill eliminates also longstanding discretionary relief from deportation that will say to American family members of immigrants being deported that you get no second chance. I know there are enormous pressures for dealing with illegal immigration bill. There are political pressures that are very intense. But we should not allow the politics and the fact that this is a wedge issue to prevent us from doing the right thing. The right thing is that this bill needs more work. We do want to have strong measures against illegal immigration. There are a lot of provisions here in the bill that are good, that make sense. But the attack on legal immigrants, American workers, right now, is stronger than on illegal immigration. Therefore, I think that we should reject this bill. Give it one more shot.

There is additional time. I understand we will be in next week now. Let us do the right thing. Let us defeat this conference report.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore (Mr. BILBRAY). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, several times today, various opponents have mentioned that we do not have in this legislation the Department of Labor inspectors.

□ 1430

But I want to remind them that they have already lost that argument twice. That provision was taken out on the House floor by amendment, and then subsequent to that we passed the House bill without those inspectors in it. That means two times it has come before this body and two times the Members have spoken.

The point is that we have already debated that, we have already voted.

The other thing about the inspectors that seems to be conveniently overlooked is that in this bill we have added an additional 900 inspectors, 300 each year for 3 years, and these are INS inspectors. It makes far more sense to have Immigration and Naturalization Service inspectors enforcing immigration laws than the Department of Labor.

And, Mr. Speaker, I also want to itemize some of the provisions that are in this bill that might have been overlooked.

We have heard tonight by Members on both sides of the aisle that this bill doubles the number of Border Patrol agents over the next 5 years. That is the largest increase in our history.

It also streamlines the current system of removing illegal aliens from the United States to make it both quick and efficient.

It increases penalties for alien smuggling and document fraud.

It establishes a three-tier fence along the San Diego border, which is the area with the highest number of illegal border crossings.

It strengthens the public charter provisions and immigration laws so that noncitizens do not break their promise to the American people not to use welfare.

It ensures that sponsors have sufficient means to fulfill their financial support obligation.

It also strengthens provisions in the new welfare law prohibiting illegal aliens from receiving public benefits, and it strengthens penalties against fraudulent claims to citizenship for the purposes of illegally voting or applying for public benefits.

Lastly, Mr. Speaker, I just want to say that I know my friend from Texas, Mr. BRYANT, opposes this bill, but I still want to say that he deserves public credit for many of the provisions still in the bill that he would consider beneficial, even if he does not consider the entire bill beneficial.

Mr. Speaker, I just want to continue the comments I was making a while ago and express to the gentleman from Texas [Mr. BRYANT] my appreciation for his constructive role in the process. Even if he cannot support the entire bill, he has played a significant role in getting us to this point, and especially at the beginning when he was a cosponsor of this bill.

Lastly, Mr. Speaker, I want to make the point once again that the opponents who we are hearing from this afternoon do not represent a majority of their own party. They certainly are entitled to try to kill this bill or block the bill or defeat the bill, but we have every right, those of in the majority, to try to pass this legislation.

The reason I say that they do not even represent a majority of their own party is simply because every major provision in this conference report, which is itself a compromise, is the result of either the House passage of the bill which passed by 333 to 87, or the Senate immigration bill which passed by a vote of 97 to 3.

So there is wide and deep bipartisan support for the provisions in this bill, and I expect to see that bipartisan support continue when the bill comes on a conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume, only to say that I once again take issue with this characterization of the bill. This is not the bill that the House voted on; it is not the bill the Senate voted on. It is a bill that the Republicans spent 4 months behind closed doors cooking up so it would serve their electioneering and political interests this year.

The fact of the matter is that this bill now does not have wage and hour inspectors in it which are necessary, it does not have the subpoena authority for the Labor Department which is necessary, it does not have the requirement that employers participate in the verification project. In other words, they have done exactly what the employers wanted them to do so that the draw of illegal aliens into this country, which is to get a job, has not been effective.

Oh, yes, we are talking about more people on the border if the Committee on Appropriations goes along with this. That sounds good. I am certainly for that. But the only way we are ever going to solve this problem is to deal with the fact that there are people out there who habitually hire illegal aliens, and we had many, many inspectors in the House committee, had many, many inspectors in the House committee version, the 150. We had 350 in the Senate bill. They are gone. Of the enhanced penalties that we had in the bill, the enhanced penalties that we had in the bill so that habitual offenders would suffer for their acts have now been removed.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the chairman of the subcommittee has given the perfect rationale for voting against the bill and for our motion to recommit. He says many of these provisions are here in part because of the gentleman from Texas, the ranking member. That is exactly right, and if this bill had only those provisions, it would not be controversial. He has conceded the point.

There is a core of agreement on measures to restrict illegal immigration that would not be controversial.

But here is what happens, and people should understand people sometimes think the party does not mean anything. Yes, party control means something. The Republicans are in control of this Congress. That means their ideological agenda and the interest groups that they are most interested in get served.

What that means is that we do not get a chance to vote just on the bill dealing with illegal immigration. It comes with illegal immigration and an unbreakable format, a conference I have never seen before, where the chairman just decided no amendments would be allowed because he is afraid to have his members vote on these things.

Other provisions are there. Well, what are the other provisions? One provision reaches back to antidiscrimination language. It has nothing to do with illegal immigration. We have said that we feared, when we put employer sanctions into the law, that this would lead to discrimination against people born in America who were of Mexican heritage. The GAO said, ''You're right, it's happened.'' What they have done in this bill is to reach back to that section not otherwise before us and made it much harder for us to protect those people against discrimination.

Then we will have a recommit to undo that. My colleagues could vote for the recommit and it will not effect their commitment on illegal immigration.

With regard to the people with AIDS, that is a provision that was in neither bill. The gentleman from Texas who does not want to defend things on the merits says, ''Well, the majority is with me.'' Well, that was not in the House bill, and it was not in the Senate bill. It is an add-on in that secret conference that they had.

What this bill does is to weaken our enforcement powers against those who employ people who are here illegally and then, serving the Republican ideological agenda, says ''If you're here legally and you have AIDS, you may die if you need Federal funds because you will get none. If you are a Mexican-American born here, we will make it easier for people to discriminate against you. If you are an American legally eligible to work and the Government falsely certifies that you weren't and makes a mistake, in the House version of the bill we had a protection for you.'' In this version of the bill there is none. if they apply for a job, having been born in this country, and they are turned down because the government inaccurately reported that they were not eligible to work, they have no recourse. Our bill would have given some recourse.

This bill protects the employers. This bill makes it harder if someone is a potential victim of discrimination, or if they are a perfectly legal resident of the United States with AIDS, including a child. Children with AIDS who are not yet eligible to become citizens, children who are brought here; they did not sneak in, not these terrible people my colleagues are worried about, children who are here with AIDS are denied Federal health benefits in certain circumstances by this bill. That is shameful.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the States have indicated that there is likely to be confusion in the interpretation of title V of this bill in the recently enacted welfare bill. The intent of some of the provisions in title V may need to be addressed in the later bill. Until that time the States should be held harmless on issues which are ambiguous.

However, the immigration bill is not intended to change in any way the eligibility provisions in the recent welfare bill. Non-citizens are not eligible for SSI or food stamps, and future immigrants are not eligible for Medicaid as well as for their first 5 years, and this bill simply does not change that.

Mr. Speaker, I also on a different subject want to reiterate the fact that all of us who are strong supporters of this bill also are strong supporters of employer sanctions. That is why in this bill we have increased Interior enforcement, we have increased the number of INS inspectors, we have increased the penalties, and we have this quick-check system that will allow employers to determine who is eligible to work and who is not.

So this bill goes exactly in that direction, which of course is supported by a majority of the American people as well.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I come before the House today, as we debate this immigration reform legislation, from a State that has been impacted and sometimes devastated by a lack of a national immigration policy.

I notice we have some reforms in here, and there are some good reforms. We are doubling the number of Border Patrol, but also in this we are also restricting some payments, some benefits, to illegal aliens, and we should go even beyond that.

But I tell my colleagues that unless we stop some of the benefits, unless we demagnetize the magnet that is attracting these folks to come to our shores—we can put a Border Patrol person every 10 yards across our border, and we will not stop the flow because people will come here because of the attraction of the benefits.

How incredible it is that we debate whether we give education benefits or medical benefits and legal benefits and housing benefits and other benefits to illegal aliens and even legal aliens in this country when we do not give the same benefits in this Congress, and that side of the aisle has denied them to our veterans who have served and fought and died for this country in many cases, or their families, and to our senior citizens. So this is a much larger debate.

Finally, my colleagues, we must have a President who will enforce the laws, and we have not had a President who will enforce the immigration laws, and we have a new policy every day, and we cannot live that way.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute 15 seconds to the gentleman from California [Mr. TORRES].

(Mr. TORRES asked and was given permission to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I rise to voice my strong opposition to this so-called immigration reform bill. There must be some confusion over what immigration actually means, over what immigration actually is. The dictionary defines immigration as ''coming into a country of which one is not a native resident.''

Basic logic tells us that any attempt to reform immigration should address those issues that directly relate to immigration: strict border control, effective verification of citizenship, and penalizing those businesses and industries who knowingly employ undocumented immigrants.

Most Americans would agree with those goals. But this bill goes way beyond these sensible, logical goals. Instead, it attacks the very principles upon which this country was founded. America's Founding Fathers built this country on the principles of fairness and equality, on honoring the law and creating safeguards against any kind of discrimination. Throughout history, our country has welcomed those immigrants who play by the rules, pay their taxes, and contribute to our cherished diversity.

But this bill ignores those traditions and attacks the very people who we say are welcome—legal immigrants. The welfare bill effectively stripped legal residents of many safeguards, and this bill goes on to clean up what the welfare bill missed.

Under this bill, legal immigrants who enter the country and begin the process of living the life of an American resident would lose the protections guaranteed by the Constitution.

Employers would be given the go-ahead to discriminate by a bill that does not enforce current immigration requirements and citizenship verification. Employers would be allowed to exploit workers by weakening civil rights protections and gutting wage and law enforcement.

This bill is not about immigration reform, it's about punishing women and children who play by the rules and represent the very best in our country. Most legal immigrants work hard for low to moderate wages, with little or no health insurance. Should the family need Federal assistance, too bad. Because if one of these workers ends up in the hospital and cannot pay his bill, and the sponsor cannot pay his bill,

that worker will be deported. Never mind that he has been paying taxes for the past few years. Suddenly, it just doesn't matter that he has contributed to our economy and has followed our laws.

It doesn't stop there. It isn't just the worker. It's his family, his children. If his child needs medical care and he can't pay, his tax money suddenly isn't available. This bill sends the child to school sick, with the fear of deportation always looming in the background.

Legal immigrant children must have their sponsor's income deemed for any means-tested program. This effectively bars these children from child care, Head Start, and summer jobs and job training programs.

What does reducing a legal resident's access to health care and Federal benefits have to do with restricting illegal immigration I would argue—nothing. Absolutely nothing. Because this is not about reducing illegal immigration. If it were, I would not be standing before you asking these simple questions.

For these reasons, I encourage my colleagues to oppose this blatant offense to our sense of fairness, justice, and equal protection for every American resident.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, let us talk about playing by the rules.

If this bill is not passed, those who have broken immigration law and entered this country legally have more rights than those who are waiting patiently at the ports of entry to enter into this country. That kind of confuses me, because my colleagues on the other side of the aisle have no problem with an immigration agent turning away somebody at the port of entry if they are coming to a legal port of entry, without a judge's rulings, without court cases, without lawyers. But if somebody jumps the fence, breaks the law, then they want to continue to empower these people with more rights than those who are playing by the rules.

□ 1445

I have to say, this is the absurdity of Washington, that we are even discussing this issue. But they are saying, what if this legislation passes, what could happen?

Let me tell the Members, as somebody who lives on the border, let me say what happened today and what has happened in the past. San Diego County, when I was a supervisor, spent $30,000 sending people back to foreign countries in body bags, because of how many people are dying because of this problem.

The fact is, there are law-abiding citizens who are doing without in their hospitals because the Federal Government is actively dumping patients onto working-class hospitals and expecting those communities to pay the bill that Washington has played the deadbeat dad and walked away from. This bill will finally correct that.

Mr. Speaker, I think the chairman of the committee said quite clearly, we want to have a welcome mat out for legal immigration, but there is a difference between having a welcome mat and being a doormat. Our taxpayers have a right to expect that citizens do have rights and should be first in our priorities for social programs and for the taxpayers' dollars; the fact that illegal aliens should not be given preference over legal residents and citizens.

Mr. Speaker, if our colleagues from the other side of the aisle want to walk away from this issue, then they are walking away from a major mandate, not just from the people of California, but across this country. We had bipartisan support at finally addressing the issue of the absurdity of welfare, and we passed a welfare reform bill the President signed. It is time to be bipartisan. Pass this bill. Give the President the chance to sign this bill, too.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I commend the chairman of the subcommittee for his hard work on H.R. 2202.

Mr. Speaker, let us just say everybody is in bipartisan support of this bill. The House passed the bill 333 to 87. The Senate bill passed 97 to 3. This bill secures our borders, cuts crime, protects American jobs, and saves taxpayers from paying billions of dollars in benefits to noncitizens.

The conference report doubles the number of Border Patrol agents, expedites the removal of illegal aliens, increases penalties for alien smuggling and document fraud, prohibits illegal aliens from receiving most public benefits, and encourages sponsors of legal immigrants to keep their commitment of financial support.

My grandmother came from Poland with a sponsor, a job, and a clean bill of health. We should expect no less from any other person coming to this country. We must stop illegal immigration. We must stop the waste of Treasury dollars towards people who come here illegally. We need to clean up our communities. This bill goes a long way to doing it.

Again, I commend the gentleman from Texas for his leadership on this issue.

Mr. SMITH of Texas. Mr. Speaker, I yield 15 seconds to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would just say to my colleagues, coming here the wrong way is not the American way. I support this bill. I compliment the gentleman from Texas [Mr. SMITH] for the work he has done.

As a Representative from a State heavily impacted by our Nation's immigration policies, I strongly urge all of my colleagues to support the immigration in the national interest conference report. The sweeping reforms in H.R. 2202 will stem illegal immigration, secure our borders, and encourage personal responsibility for legal immigrants.

While America is a nation of immigrants, its borders must be protected from illegal immigrants. According to INS there are 4.5 million illegal aliens in the United States. By doubling the number of border patrol agents, H.R. 2202 protects legal residents from the social and economic burdens of illegal immigrants.

H.R. 2202 improves legal immigration policies to ensure those who sponsor immigrants have the means to support them. If we don't require sponsors to fulfill their financial obligations, taxpayers will continue to pay $26 billion annually for legal immigration. Sponsors must honor their obligations so legal immigrants may become self-reliant, productive residents of the United States rather than dependents of the welfare state.

Again, I urge all of my colleagues to support H.R. 2202.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Texas [Mr. BRYANT] is recognized for 15 seconds.

Mr. BRYANT of Texas. Mr. Speaker, I simply want to say that Members should vote for the motion to recommit. All of the things that will strengthen this bill are in it, plus the things that have been talked about by the other side.

Second, I regret the gentleman from Texas [Mr. SMITH] and I we did not work together on this bill at the end. He is a good friend of mine. I appreciate so much the spirit in which we began. I look forward to working with him on something we agree on in the future. I thank the gentleman very much.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SMITH] is recognized for 1 minute and 30 seconds.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Texas for his generous comments. I feel the same.

Mr. Speaker, for the sake of American families, American workers, and American taxpayers, we have to pass immigration reform right now. To secure our borders is a worthy effort. If we secure our borders, we are going to reduce crime, we are going to reduce the number of illegal aliens coming into the country, we are going to protect jobs for American workers, and we are going to save taxpayers billions and billions of dollars.

In addition to that, we have to distinguish and say to legal immigrants, we want you if you are going to come to contribute and work and produce, but you cannot come to take advantage of the taxpayer. I urge my colleagues to vote for this conference report, and against the motion to recommit.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT

Mr. BRYANT of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. BRYANT of Texas. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BRYANT of Texas moves to recommit the conference report on the bill H.R. 2202 to the committee of conference with instructions to the managers on the part of the House to take all of the following actions:

(1) ENHANCING ENFORCEMENT OF PROTECTIONS FOR AMERICAN WORKERS.—

(A) Recede to (and include in the conference substitute recommended by the committee of conference, in this motion referred to as the ''conference substitute'') section 105 of the Senate Amendment (relating to increased personnel levels for the Labor Department).

(B) Recede to (and include in the conference substitute) section 120A of the Senate Amendment (relating to subpoena authority for cases of unlawful employment of aliens or document fraud).

(C) Recede to (and include in the conference substitute) section 119 of the Senate Amendment (relating to enhanced civil penalties if labor standards violations are present).

(2) PRESERVING SAFEGUARDS AGAINST DISCRIMINATION.—

(A) Disagree to (and delete) section 421 (relating to treatment of certain documentary practices as unfair immigration-related employment practices) in the conference substitute and insist, in its place, and include in the conference substitute, the provisions of section 407(b) (relating to treatment of certain documentary practice as employment practices) of H.R. 2202, as passed the House of Representatives.

(B) Disagree to (and delete) section 633 (relating to authority to determine visa processing procedures) in the conference substitute.

(C) Insist that the phrase ''(which may not include treatment for HIV infection or acquired immune deficiency syndrome)'' be deleted each place it appears in sections 501(b)(4) and 552(d)(2)(D) of the conference substitute and in the section 213A(c)(2)(C) of the Immigration and Nationality Act (as proposed to be inserted by section 551(a) of the conference substitute).

(3) PRESERVING ENVIRONMENTAL SAFEGUARDS.—Disagree to (and delete) subsection (c) of section 102 (relating to waivers of certain environmental laws) in the conference substitute.

Mr. BRYANT of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BRYANT of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 179, nays 247, not voting 7, as follows:

[Roll No. 431]

YEAS—179

Abercrombie	Gejdenson	Nadler
Ackerman	Gephardt	Neal
Andrews	Gonzalez	Oberstar
Baldacci	Green (TX)	Obey
Barcia	Gutierrez	Olver
Barrett (WI)	Hall (OH)	Ortiz
Becerra	Harman	Owens
Beilenson	Hastings (FL)	Pallone
Bentsen	Hefner	Pastor
Berman	Hilliard	Payne (NJ)
Bevill	Hinchey	Payne (VA)
Blumenauer	Holden	Pelosi
Bonior	Hoyer	Pomeroy
Borski	Jackson (IL)	Poshard
Boucher	Jackson-Lee (TX)	Rahall
Brown (CA)	Jacobs	Rangel
Brown (FL)	Jefferson	Reed
Brown (OH)	Johnson (SD)	Richardson
Bryant (TX)	Johnson, E. B.	Rivers
Campbell	Johnston	Ros-Lehtinen
Cardin	Kanjorski	Rose
Chapman	Kaptur	Roybal-Allard
Clay	Kennedy (MA)	Rush
Clayton	Kennedy (RI)	Sabo
Clyburn	Kennelly	Sanders
Coleman	Kildee	Sawyer
Collins (IL)	Kleczka	Saxton
Collins (MI)	Klink	Schroeder
Conyers	LaFalce	Schumer
Costello	Lantos	Scott
Coyne	Levin	Serrano
Cummings	Lewis (GA)	Sisisky
Danner	Lipinski	Skaggs
de la Garza	LoBiondo	Slaughter
DeFazio	Lofgren	Spratt
DeLauro	Lowey	Stark
Dellums	Luther	Stokes
Deutsch	Maloney	Studds
Diaz-Balart	Manton	Stupak
Dicks	Markey	Tejeda
Dingell	Martinez	Thompson
Dixon	Matsui	Thornton
Doggett	McCarthy	Thurman
Doyle	McDermott	Torres
Durbin	McHale	Torricelli
Edwards	McKinney	Towns
Engel	McNulty	Velazquez
Eshoo	Meehan	Vento
Evans	Meek	Visclosky
Farr	Menendez	Volkmer
Fattah	Millender-McDonald	Ward
Fazio	Miller (CA)	Waters
Fields (LA)	Minge	Watt (NC)
Filner	Mink	Waxman
Flake	Moakley	Wise
Flanagan	Mollohan	Woolsey
Foglietta	Moran	Wynn
Ford	Morella	Yates
Frank (MA)	Murtha	Zimmer
Frost		
Furse		

NAYS—247

Allard	Baker (CA)	Bartlett
Archer	Baker (LA)	Barton
Armey	Ballenger	Bass
Bachus	Barr	Bateman
Baesler	Barrett (NE)	Bereuter
Bilbray	Goodling	Orton
Bilirakis	Gordon	Oxley
Bishop	Goss	Packard
Bliley	Graham	Parker
Blute	Greene (UT)	Paxon
Boehlert	Greenwood	Peterson (MN)
Boehner	Gunderson	Petri
Bonilla	Gutknecht	Pickett
Bono	Hall (TX)	Pombo
Brewster	Hamilton	Porter
Browder	Hancock	Portman
Brownback	Hansen	Pryce
Bryant (TN)	Hastert	Quillen
Bunn	Hastings (WA)	Quinn
Bunning	Hayes	Radanovich
Burr	Hayworth	Ramstad
Burton	Hefley	Regula
Buyer	Herger	Riggs
Callahan	Hilleary	Roberts
Calvert	Hobson	Roemer
Camp	Hoekstra	Rogers
Canady	Hoke	Rohrabacher
Castle	Horn	Roth
Chabot	Hostettler	Roukema
Chambliss	Houghton	Royce
Chenoweth	Hunter	Salmon
Christensen	Hutchinson	Sanford
Chrysler	Hyde	Scarborough
Clement	Inglis	Schaefer
Clinger	Istook	Schiff
Coble	Johnson (CT)	Seastrand
Coburn	Johnson, Sam	Sensenbrenner
Collins (GA)	Jones	Shadegg
Combest	Kasich	Shaw
Condit	Kelly	Shays
Cooley	Kim	Shuster
Cox	King	Skeen
Cramer	Kingston	Skelton
Crane	Klug	Smith (MI)
Crapo	Knollenberg	Smith (NJ)
Cremeans	Kolbe	Smith (TX)
Cubin	LaHood	Smith (WA)
Cunningham	Largent	Solomon
Davis	Latham	Souder
Deal	LaTourette	Spence
DeLay	Laughlin	Stearns
Dickey	Lazio	Stenholm
Dooley	Leach	Stockman
Doolittle	Lewis (CA)	Stump
Dornan	Lewis (KY)	Talent
Dreier	Lightfoot	Tanner
Duncan	Linder	Tate
Dunn	Livingston	Tauzin
Ehlers	Longley	Taylor (MS)
Ehrlich	Lucas	Taylor (NC)
English	Manzullo	Thomas
Ensign	Martini	Thornberry
Everett	McCollum	Tiahrt
Ewing	McCrery	Torkildsen
Fawell	McDade	Traficant
Fields (TX)	McHugh	Upton
Foley	McInnis	Vucanovich
Forbes	McIntosh	Walker
Fowler	McKeon	Walsh
Fox	Metcalf	Wamp
Franks (CT)	Meyers	Watts (OK)
Franks (NJ)	Mica	Weldon (FL)
Frelinghuysen	Miller (FL)	Weldon (PA)
Frisa	Molinari	Weller
Funderburk	Montgomery	White
Gallegly	Moorhead	Whitfield
Ganske	Myers	Wicker
Gekas	Myrick	Wolf
Geren	Nethercutt	Young (AK)
Gilchrest	Neumann	Young (FL)
Gillmor	Ney	Zeliff
Gilman	Norwood	
Goodlatte	Nussle	

NOT VOTING—7

Gibbons	Mascara	Wilson
Heineman	Peterson (FL)	
Lincoln	Williams	

□ 1511

Messrs. CUNNINGHAM, EWING, LINDER, CHRISTENSEN, MCDADE, BAESLER, and SKELTON changed their vote from ''yea'' to ''nay.''

Messrs. YATES, WYNN, and LOBIONDO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. RIGGS). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 123, not voting 6, as follows:

[Roll No. 432]

AYES—305

Allard	Dicks	Johnson (CT)
Andrews	Dooley	Johnson (SD)
Archer	Doolittle	Johnson, Sam
Armey	Dornan	Jones
Bachus	Doyle	Kanjorski
Baesler	Dreier	Kasich
Baker (CA)	Duncan	Kelly
Baker (LA)	Dunn	Kildee
Ballenger	Edwards	Kim
Barcia	Ehlers	Kingston
Barr	Ehrlich	Klink
Barrett (NE)	English	Klug
Bartlett	Ensign	Knollenberg
Barton	Everett	Kolbe
Bass	Ewing	LaHood
Bateman	Fawell	Largent
Bentsen	Fazio	Latham
Bereuter	Fields (TX)	LaTourette
Bevill	Flanagan	Laughlin
Bilbray	Foley	Lazio
Bilirakis	Forbes	Leach
Bishop	Fowler	Levin
Bliley	Fox	Lewis (CA)
Blute	Franks (CT)	Lewis (KY)
Boehlert	Franks (NJ)	Lightfoot
Boehner	Frelinghuysen	Linder
Bonilla	Frisa	Lipinski
Bono	Funderburk	Livingston
Boucher	Furse	LoBiondo
Brewster	Gallegly	Longley
Browder	Ganske	Lucas
Brown (CA)	Gekas	Luther
Brown (FL)	Geren	Manton
Brownback	Gilchrest	Manzullo
Bryant (TN)	Gillmor	Martini
Bunning	Gilman	McCarthy
Burr	Gingrich	McCollum
Burton	Gonzalez	McCrery
Buyer	Goodlatte	McDade
Callahan	Goodling	McHale
Calvert	Gordon	McHugh
Camp	Goss	McInnis
Campbell	Graham	McIntosh
Canady	Green (TX)	McKeon
Cardin	Greene (UT)	Metcalf
Castle	Greenwood	Meyers
Chabot	Gunderson	Mica
Chambliss	Gutknecht	Miller (FL)
Chapman	Hall (OH)	Minge
Chenoweth	Hall (TX)	Molinari
Christensen	Hamilton	Montgomery
Chrysler	Hancock	Moorhead
Clement	Hansen	Moran
Clinger	Harman	Murtha
Clyburn	Hastert	Myers
Coble	Hastings (WA)	Myrick
Coburn	Hayes	Nethercutt
Collins (GA)	Hayworth	Neumann
Combest	Hefley	Ney
Condit	Hefner	Norwood
Cooley	Herger	Nussle
Costello	Hilleary	Obey
Cox	Hinchey	Orton
Cramer	Hobson	Oxley
Crane	Hoekstra	Packard
Crapo	Hoke	Pallone
Cremeans	Holden	Parker
Cubin	Horn	Paxon
Cunningham	Hostettler	Payne (VA)
Danner	Houghton	Peterson (MN)
Davis	Hoyer	Petri
Deal	Hunter	Pickett
DeFazio	Hutchinson	Pombo
DeLay	Hyde	Pomeroy
Deutsch	Inglis	Porter
Dickey	Istook	Portman
Poshard	Shays	Thurman
Pryce	Shuster	Tiahrt
Quillen	Sisisky	Torkildsen
Quinn	Skeen	Torricelli
Radanovich	Skelton	Traficant
Ramstad	Slaughter	Upton
Reed	Smith (MI)	Visclosky
Regula	Smith (NJ)	Volkmer
Riggs	Smith (TX)	Vucanovich
Roberts	Smith (WA)	Walker
Roemer	Solomon	Walsh
Rogers	Souder	Wamp
Rohrabacher	Spence	Ward
Roth	Spratt	Watts (OK)
Roukema	Stearns	Weldon (FL)
Royce	Stenholm	Weldon (PA)
Salmon	Stockman	Weller
Sanford	Stump	White
Saxton	Talent	Whitfield
Scarborough	Tanner	Wicker
Schaefer	Tate	Wolf
Schiff	Tauzin	Young (AK)
Seastrand	Taylor (MS)	Young (FL)
Sensenbrenner	Taylor (NC)	Zeliff
Shadegg	Thomas	Zimmer
Shaw	Thornberry	

NOES—123

Abercrombie	Gephardt	Olver
Ackerman	Gutierrez	Ortiz
Baldacci	Hastings (FL)	Owens
Barrett (WI)	Hilliard	Pastor
Becerra	Jackson (IL)	Payne (NJ)
Beilenson	Jackson-Lee (TX)	Pelosi
Berman	Jacobs	Rahall
Blumenauer	Jefferson	Rangel
Bonior	Johnson, E. B.	Richardson
Borski	Johnston	Rivers
Brown (OH)	Kaptur	Ros-Lehtinen
Bryant (TX)	Kennedy (MA)	Rose
Bunn	Kennedy (RI)	Roybal-Allard
Clay	Kennelly	Rush
Clayton	King	Sabo
Coleman	Kleczka	Sanders
Collins (IL)	LaFalce	Sawyer
Collins (MI)	Lantos	Schroeder
Conyers	Lewis (GA)	Schumer
Coyne	Lofgren	Scott
Cummings	Lowey	Serrano
de la Garza	Maloney	Skaggs
DeLauro	Markey	Stark
Dellums	Martinez	Stokes
Diaz-Balart	Matsui	Studds
Dingell	McDermott	Stupak
Dixon	McKinney	Tejeda
Doggett	McNulty	Thompson
Durbin	Meehan	Thornton
Engel	Meek	Torres
Eshoo	Menendez	Towns
Evans	Millender-McDonald	Velazquez
Farr	Miller (CA)	Vento
Fattah	Mink	Waters
Fields (LA)	Moakley	Watt (NC)
Filner	Mollohan	Waxman
Flake	Morella	Williams
Foglietta	Nadler	Wise
Ford	Neal	Woolsey
Frank (MA)	Oberstar	Wynn
Frost		Yates
Gejdenson		

NOT VOTING—6

Gibbons	Lincoln	Peterson (FL)
Heineman	Mascara	Wilson

□ 1521

Ms. KAPTUR changed her vote from ''aye'' to ''no.''

Messrs. KIM, BROWN of California, and HOSTETTLER changed their vote from ''no'' to ''aye.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, today I missed the vote on the rule covering debate on the Immigration Act conference agreement. At the time of the vote, I was presenting testimony before the Federal Energy Regulatory Commission on a matter of utmost importance to the people of the State of North Dakota. Resolution of the matter currently before the Commission will likely determine the continued viability of the Great Plains Synfuels Plant in Beulah, ND, a unique facility which converts lignite coal to synthetic natural gas and which brings tremedous economic benefit to our State. It was critical that I be present before the Commission—along with North Dakota's two distinguished Senators—to advocate on behalf of this facility. Mr. Speaker, I regret having to miss any vote in this Chamber and I regret my unavoidable conflict today.

AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 530 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 530

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997. The bill shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. CHAMBLISS). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 530 is a simple resolution. The proposed rule is a closed rule providing for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on the Judiciary or their designees. Finally, the rule provides for one motion to recommit.

House Resolution 530 was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, we are all very familiar with the issue addressed in the underlying legislation. During consideration of the comprehensive immigration bill, the gentleman from California [Mr. GALLEGLY], offered an amendment which was adopted by a record vote of 257 to 163. The Gallegly amendment allowed States the option of providing free education benefits to illegal

aliens. Because the President threatened to veto the immigration conference agreement if it contained the Gallegly amendment, even in a modified form, the modified form of the Gallegly amendment has been introduced as stand-alone legislation, H.R. 4134.

H.R. 4134, unlike the original Gallegly amendment, will ensure that it impacts only prospective illegal immigrant students. The grandfather provision provides that a State must provide free public education through grade 12 for illegal aliens enrolled in any public school at any time during the current school year.

Mr. Speaker, I urge my colleagues to support this simple rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority seems to have no shame when it comes to playing political games. The fact that this House is being asked, at what seems to be the 11th hour of this Congress, to consider this very bad bill—and under a closed rule—that's right, a closed rule—ranks right up there with some of the worst legislative chicanery I have seen in the 18 years I have been privileged to serve in this body.

Mr. Speaker, it is no secret why this proposition is being brought before us today. It does not take a rocket scientist to figure out that this bill is under consideration in a futile attempt to save a faltering and failing Presidential campaign. Mr. Speaker, the Gallegly amendment threatened to bring down the whole immigration conference report and so it was excised and relegated to the trash heap. But now, like the phoenix, it rises from the ashes and this House is being asked to vote once again on a proposition that directly attacks some of the most vulnerable in our society.

Mr. Speaker, whether these children should or should not be in this country is really beside the point. The fact is that every child, no matter his or her race, creed, nationality, religion, or immigration status should have a desk in a school. Every child living in this Nation should be entitled to an education. Denying the children of illegal immigrants access to education will not solve the problem of illegal immigration and seal our borders.

What good does it do to punish children? Is that what this Republican-controlled, and family friendly Congress is to be remembered for? Mr. Speaker, I cannot be party to standing in the schoolhouse door as the Republican leadership seems so willing to do. I urge each and every one of the Members of this body to reject out of hand this closed rule and this very bad bill.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule and strong support of the Gallegly amendment.

In California alone we spend $2 billion, that is $2 billion every year, educating illegal alien children. That is $2 billion that is equal to what we spend on the entire University of California system.

Is this right? No, it is absolutely wrong to spend $2 billion on the children of foreigners who have come here illegally. That $2 billion should be going to benefit the children of the people of the United States of America.

That is what this vote is all about, it is to determine what our priorities are. Our priorities should be what is in the interest of the people of the United States. We can care for the children of foreigners, we can care about their well-being, but we must first care about our own children, our own families.

It is very clear to me that the people on the other side of the aisle who are opposing this and have opposed us every step of the way, and in the Clinton administration, have their priorities all screwed up.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, we began considering immigration legislation after the Jordan Commission gave us a report outlining the problems and proposing to us a set of bipartisan solutions. In no part of the Jordan Commission report, or in any other study, for that matter, that is credible, has anyone ever found that the fact that an illegal alien child might be able to get into school causes people to leave their homes, walk, ride, swim, if necessary, across very, very threatening territory to get into the United States.

No study has indicated those people come here because they think they might be able to get their kids into school. In fact, the police agencies, the educational agencies, every expert that has looked at this problem has said this is a mistake.

Do not be led by hot rhetoric on the part of those who see a political opportunity, in my view, to make people think that somehow this is a solution. Instead, be guided by common sense. There will be no impact on illegal immigration if this passes. There will be an impact on our communities because notwithstanding the attempts to water it down, the fact is the school districts would have to check the citizenship of every single child. They do not have the resources to do that. And if there is one child in a family that cannot come to school, none of them will come to school. We need every kid out there being in school.

The solution to stopping illegal immigration is to stop employers from hiring illegal immigrants and to stop illegal immigrants at the borders. Leave these kids alone.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

I think initially here it is clear that the discussion that is going to take place over the period of time that has been allotted to us to debate the rule is going to get into the substantive issues of the bill, so I think it is important that we address what the gentleman from Texas has just said.

First of all, remember that this bill allows every State to make their own decision. This is not a mandate upon the States, Mr. Speaker. In fact, this bill takes the mandate off the States that is not being paid for by the Federal Government.

What happens right now is Washington, DC, has gone to the States and said, we know what is best for you and we want you to pay for it. And Washington, DC, has said to States like Texas, or to States like Colorado, you pay 95 percent of the tab, we are going to force you to put these kids into your school.

All this bill simply does is to say to the State of Texas or says to the State of Colorado, you now have the option. If you want to undertake this Federal mandate and pay for 95 percent of the cost, then you may choose to do so.

This does not prevent the State of Texas from continuing to educate the children of illegal aliens, and I think it is clear that we justify that substance.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for yielding. I would just pose this question. Does the gentleman think the States should be given the power to decide whether or not the schools should be integrated?

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I would respond to the gentleman's question by saying, does he think the States should pick up 95 percent of the cost?

Mr. BRYANT of Texas. Answer my question first.

Mr. MCINNIS. I yield to the gentleman to respond to mine.

Mr. BRYANT of Texas. Well, I asked a question of the gentleman: Does he think the States should have the power to decide whether or not the schools are going to be integrated?

Mr. MCINNIS. Let me say I think every State has a right to determine whether or not the Federal Government can mandate upon them an expenditure of which they pay 95 percent, as the gentleman just heard from the gentleman from California. It is an extensive expense in the State of California.

So the answer is, yes, I do think that States should have the right to determine their own future, especially when

it comes to an issue as important as education.

Now, would the gentleman respond to my question? Should the States respond to 95 percent of the tab or would the gentleman be willing to have the Federal Government pay for what it mandates?

Mr. BRYANT of Texas. In fact, the Federal Government ought to pay the full cost of it. The bill included that but the Republicans took that out of the bill. So, there.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague, the gentleman from Texas, for yielding me this time and for his kindness.

I think it is quite misrepresenting to all of us to put this smoke-and-mirror legislation on the floor of the House. There is no one that does not agree that we want to be fair to all of America, and we certainly want to be fair to our children and fair to our communities and how they hold the responsibility of educating our children. But I take great issue with someone who comes on the floor of the House to say that we need to be taking care of our American children, we need to be taking care of the children of the United States.

I say to my colleagues that these are children of the United States. And I agree with the gentleman from Texas, we can help fund those States that have serious problems with overburdening of children in their school systems; but what about the child that comes over that is 9 months old? They are still in this community, this State, when they are 5 years old. Are we now going to deny them the right to a public education, an education that has been considered part of our basic human rights as signed by many countries around the world?

What about if there is a family that has a child that is a citizen and one that is not a citizen? How do we respond to educating one child and not the other?

And then my Republican friends talk about crime. They want to repeal the assault weapons ban, the Brady bill, and now they do not want children to be educated. They just want a bunch of people running around uneducated, without the opportunity to be able to access the virtues of this Nation.

And so this is a smoke-and-mirrors legislation. It is something to make someone else feel good. Well, we do not come to the Chambers of the U.S. Congress to make people feel good. We come here to pass good legislation. The legislation is to educate our children, to help the States who are heavily burdened by such educational needs, and to be fair to all American children, all children on this soil, and to recognize that this country was founded on the backs of immigrants.

I will not be like the Little Rock nine, standing in front of the schoolhouse, keeping children from going to school.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

I think that any argument using children as a pawn has no merit on this House floor. I think the issue that is important here, and I do not know how we got on to the assault weapons bill, the issue is very clear here. I do not think I could find a Congressman on the Democratic side or on the Republican side that does not believe in a good solid education for children. So I wish my Democratic colleagues would quit trying to claim the issue of the children as their issue.

Let us talk about who pays the bill. If we want to talk about smoke and mirrors, the smoke and mirrors in this situation is where Washington, DC, which by the way think they have a monopoly on common sense, reaches beyond the Washington, DC, city limits and says to the rest of the country, we mandate upon you that you will educate these people.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. No, I will not yield. The gentlewoman can request time, however, from the gentleman from Texas.

Ms. JACKSON-LEE of Texas. I would like the gentleman to yield on the point——

Mr. MCINNIS. I am sure he would be happy to yield to the gentlewoman. But, in fairness, both of us have an equal amount of time, and she can do that.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his kindness.

Mr. MCINNIS. Mr. Speaker, my point here is very clear. If the Federal Government wants to put this burden, if Washington, DC, wants to force the States in this country to accept this demand, then the Federal Government ought to pay for it.

We know what happens. The Federal Government comes into Colorado, for example, mandates this program, demands that Colorado institute it, demands that Colorado pay 95 percent of it, and what does it do? It dilutes that money. It dilutes the money that needs to go to these children.

So, in summary, let me say I think that the gentlewoman's speech, while it was well spoken, certainly does not allow the gentlewoman to claim the guardianship of children in this country.

I think we have to address the real substance of this bill, and the real substance of this bill is to allow the States to make their own decisions.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman. I wanted to respond if he would have yielded.

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Texas is not recognized.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I appreciate my good friend from Colorado's response, and let me suggest to him that under the Constitution of the United States and the equal protection clause, there is a right to treat all individuals on our soil equally.

As I indicated, we would be more than happy to be a partnership with local government, both the local school districts and our States' governments, as my colleague from Texas, Mr. BRYANT, who was one of the leaders on this issue of immigration, by helping to fund and respond to those States who are heavily burdened by this issue. But we know the Republicans did not want to do that, for they wanted to have this kind of legislation to present and divide our country.

What I am suggesting is that I do not want to dominate our local school systems and I do not want to burden our States. I do not believe in unfunded mandates. I do believe in the right of children to be educated.

And where I got the assault weapons ban from is that all of what I hear our Republican friends doing, repealing the assault weapons ban, repealing the Brady bill, has a lot to do with promoting crime.

The SPEAKER pro tempore. The time of the gentlewoman from Texas has expired.

Ms. JACKSON-LEE of Texas. When people are not educated, it has a lot to do with not allowing them the opportunity to pursue the American dream.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. This is a foolish piece of legislation that should not prevail before the House.

The SPEAKER pro tempore. The gentlewoman will proceed in order by desisting.

Ms. JACKSON-LEE of Texas. I yield back and I thank the gentleman for the time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise the gentlewoman from Texas she will proceed in order and abide by the rules of the House when her time for recognition has expired.

Mr. MCINNIS. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, again, as someone who has lived on the frontier and close to this issue all my life, I need to ask of our colleagues to do a reality check here.

The fact is that the existing system is wrong, and I would ask my colleagues to recognize that in my community, where I went to school, in my schools, in my high school, there were

legal and illegal immigrants going to school there. But under the existing law that this body talks about, and we talk among ourselves, and this is not where the message is we need to send, we need to send it out there, it is illegal to enter the country illegally and go to school for free in San Francisco. But if someone crosses the border illegally, then they have the guaranteed right from the government for a free education.

And for those individuals who say this has nothing to with people coming here illegally, we have documents showing, in fact testimony that showed up in the paper where an illegal woman was caught at the border with three letters form a school district that said your children will get a free education even if you are here illegally.

Now, Mr. Speaker, in the words of this lady, she said, you want us here. You want us to come here illegally. You would not reward us and give us free education.

Mr. Speaker, the message that needs to be sent not here in these Chambers but to the rest of the world and America, is that, no, the days of encouraging illegal immigration is over. We are not going to reward people for breaking the law. We are not going to punish those who play by the rules and reward those who break the rules.

I would ask every Member to consider the fact that 4062 says let us reimburse for the cost if we do not want to drop the mandate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

□ 1545

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I voted for the preceding legislation to come to this floor because I believe it is appropriate to toughen the Nation's response to illegal immigration. But as to the matter that this rule would present before the House, I take a very serious exception. I think it is time that we just step back a minute, take a deep breath and think about what we are doing here.

Do any of us possibly think that the illegal activity of a parent ought to be taken out on the kid? I think if any of us were asked that question, we would say, of course not. You cannot hold the kid, the little kid responsible for the illegal acts of the parent.

That is precisely, however, what the bill this rule would bring to the floor would allow. In fact, the scenes that I would create are horrible to contemplate. I envision education officials, maybe even INS officials, going down the rows of first grade classes trying to single out whether Johnny stays, this one leaves and I just think it is, it would be awful. Imagine the scene, imagine those of us who have children in grade school, what they would think of a little boy or a little girl pulled out of their chair, hauled out of class crying because they are being sent out of school. That is not something that ought to occur in any classroom in any public school in the United States of America.

We think about the family friendly Congress. What kind of family friendly Congress would send a 6-year-old home to a house that maybe there is no one there because both parents are working, but there is nowhere for that 6-year-old to go because they are holding that 6-year-old responsible for the illegal acts of its parents.

We worry about gangs and juvenile crime, yet this would take those young people that want to learn and put a bar in front of the schoolroom door, leaving nothing but gangs and street corners and idle time that would in all likelihood be the result of barring these people from the opportunity to pursue an education.

Then finally I worry about the implementation of this strategy because how in the world are you going to sort out legals from the illegals when you are looking at first graders.

The thing that comes to my mind is those that look a little different. I am the adoptive parents of two children of different races, a different race from me. I love these children as much as I love anything, as much as any father could love his kids. The fear that my children might be pulled out of a classroom because of an inane act of Congress that this rule would bring before the House, allowing school officials to toss little kids out into the street rather than educate them in their schools, is too horrible to contemplate.

I do not love my kids any more than any other parents love their kids. The fear of parents across this country that putting their children, any children that do not look, that might look like they are somehow at risk of being illegal in the face of being interrogated and research as to their background, this is just a bad, bad idea and we ought to reject it. We should reject the rule and not even bring it to the floor.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

I know the gentleman very well from the Dakotas. I have a great deal of respect for the gentleman. I know that he is compassionate and cares about his children and the other children that he represents. But so does everybody on this House floor, whether you are Democrat or Republican.

I think it is a diversion for someone to stand up here and say that this bill somehow throws young kids out onto the street, that it denies them school. What I would do is refer any of my colleagues that somehow have been convinced by this argument, I would refer them to something very simple, read the bill. Look on page 5. It is very simple. No State shall be required by this section, no State shall be required by this section to deny public education benefits to any alien not lawfully present in the United States. It is very simple.

What we are doing with this bill is saying that the Federal Government ought to pay for what it is demanding the States do. That is all. Why should the States have the option if the Federal Government is not going to pay for it. If the gentleman from the Dakotas is that concerned, he has an opportunity under this rule to offer a motion to recommit to do exactly what he is concerned about. But do not be taken or diverted aside by these excited statements that say we are going to throw kids out of school. That is purely, simply a diversion. It is away from the substance of this bill, and it is away from the rule on the bill.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield 4½ minutes to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the bill H.R. 4134 is a modified version of the Gallegly amendment which passed by a margin of almost 100 votes on this House floor during a debate on immigration reform just last March. Like the Gallegly amendment which was passed overwhelmingly by a bipartisan majority, H.R. 4134 does nothing more than remove the Federal Government's ability to force States to provide a free public education to persons who are not legally in this country. This legislation would allow all States full discretion in the way they want to handle the public education of illegal immigrants.

However, unlike the original Gallegly amendment, this bill has been modified to ensure that it impacts only prospectively illegal immigrant students. This grandfathered provision provides that all illegal aliens currently enrolled in any public school at any time during the current year up to July 1, 1997, a State could not deny a free public education through grade 12. It only ends the current policy by which the Federal Government guarantees all future illegal immigrants in every State a free public education at the expense of the taxpayers in perpetuity.

In other words, even if a State determined that they would like to deny free public education to illegals, they would only be permitted to deny future entrants or future illegal entries to be enrolled. Those currently enrolled would be exempt.

Let me make one other important point. For instance, if my friends from the State of Texas, Oregon or New Jersey decide they want to provide a free public education to all illegal immigrants, even those that arrive here illegally in the future, they would be still perfectly entitled to do so under this legislation.

Mr. Speaker, this bill is good for California and it is good for the Nation. We must end a policy that encourages future illegal immigration which further depletes our funds for public education and results in overcrowded

classrooms. There has been a lot of debate about the children. But we have forgotten about the children that have a legal right in this country, whether they are legal residents or citizens.

In California our State continues to spend millions and millions of dollars every year, more than the previous year, and we have gone from number 4 or 5 in the Nation based on scholastic scores and the quality of education to number 43 in the Nation.

Let me remind my fellow colleagues, we cannot forget these children either. This Congress must continue to dismantle the system of public benefits that convinces people to come here illegally. It must continue to decentralize the Federal Government and shift the power to States.

This revised version of my amendment accomplishes both of these critical objectives. The only thing that this amendment does not do is provide an entitlement in perpetuity that guarantees that anyone that might come here illegally in the future, the Federal Government would force the States to provide them with a free public education. It eliminates that guarantee after July 1997.

Mr. MCINNIS. Mr. Speaker, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Speaker, I would just like to ask the gentleman, it takes away that entitlement, but it allows every State to have what options?

Mr. GALLEGLY. It allows the States to continue to educate anyone they want, legal or other wise. The only thing that it does do is after 1997, it puts those illegally entering this country or considering illegally entering this country on notice that they may not be provided a guarantee to a free public education in the State of their choice.

Mr. MCINNIS. Which is exactly what we are saying here; that is, the States now will have this option, where before they had to pay the bill and had no option even to debate this within the boundaries of their own State.

Mr. GALLEGLY. Absolutely. One point I think is very important to further note. This does not turn any school teacher into a border patrol agent or a law enforcement person. All it does is provide the person that enrolls students at the beginning of the year the same right of asking to verify what their status is in this country as they verify immunization records, as they verify residency, and so on, to determine whether they live on the right side of the street as to whether they go to this school or that school. This does not turn anybody into removing anybody from school now or in the future.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, first let me respond to the issue of no costs would be involved if this legislation were passed. Let us just debunk it right now because if there were no costs involved, then you would not have organizations like the California School Board Association that represents every single school board in California opposed to this legislation. You would not have most of the law enforcement agencies in this Nation opposing this particular legislation. You do because they know the costs would be tremendous, tremendous to the schools because someone would have to administer it, tremendous for law enforcement because someone would have to watch these kids that would not be in school but on the street. These organizations know what happens in real life practical terms and they are opposed to it.

We can say all we want, but until you are going to put some money where your month is, it is going to cost and someone will pay and the locals will have to pay the price.

Let me read from a few of the letters, just a few of the many that have come in. The International Union of Police Associations:

> Make no mistake, our position is not based on partisan election year politics.

They are opposed:

> It is not based on broad social theory. But we do clearly object to denying any child access to schools and education within our borders regardless of origin. We base our position on immediate pragmatic concerns that can only come from collective years on the streets of America. How can anyone advocate throwing thousands of children onto the street without supervision where they will become both victims and criminals? Local law enforcement officers, our members will be overwhelmed at a time when we can ill afford the extra pressure.

That is, as I said, the International Union of Police Associations.

CLEAT, the Combined Law Enforcement Association of Texas, says:

> Numerous officials and organizations within the law enforcement community have contacted you and other congressional conferees in a unified position of opposing the Gallegly bill. This issue as we see it is very simple. We must do all we can to support every child's right to receive an education. Legislation that promotes the notion of keeping children out of school is only going to act as another avenue of increasing the already unacceptable practice of placing more children on the streets.

I could go on and on. The city of Elmhurst in Illinois, the National Association of Police Organizations, which represents over 185,000 law enforcement officers and 3,500 police associations, opposed to this bill. The Sioux City, ID, police chief, the city of Chicago's police chief, the city of San Jose's police chief. The 47 Senators, Democrat and Republican, who signed a letter asking that the Gallegly bill be defeated. It goes on and on and on.

Let us be real. We can set policy in this Chamber, but we can talk politics. This was a measure, an amendment that was included in the immigration bill that we just voted on that passed by a pretty wide margin. It was pulled by the Republicans yesterday. Why? Because they were afraid it would jeopardize the entire immigration bill. Now we have it. Miraculously, in less than a day we have a bill go from inception to the floor.

Folks, understand this, whether you are on this floor getting ready to vote or watching on television, this is a bill that is on the floor being debated today when we have hundreds of other bills that will never be heard because we are about to end the session that went from nothing, because it was not a bill we were considering, to all of a sudden being debated on the floor of the House. It did not go through the committee. It never was heard in the committee on jurisdiction. But here it is being debated on the House floor. We could have debated it in the immigration bill that we just passed, but it was pulled because there were some discussions that had been taking place over the last several months.

☐ 1600

A lot of them were with Bob Dole in his campaign about how to do best to politically structure this debate, and what do we have? It is this debate on the floor. We know the President is going to veto this bill, so what are we doing? Why are we wasting this time when we are really at the end of this session and we have other things that are more important to deal with?

Well, there is a point to be made here, there are some political points to be made here, and unfortunately what we are going to run into is a situation where, damn the cops, damn the school administrators, damn the teachers, damn, the least important of which, I guess, in many people's eyes, the children; let us do this because there are points to be had. It is fortunate that practical people are against this bill. We should be against it, too.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think there is an obligation for accuracy for statements made on this floor, and let me tell the gentleman, the preceding speaker, that there certainly was a meeting last night in the Committee on Rules. No, the gentleman did not find time to be there, the gentleman was not there. But for a statement to be made that this was not discussed thoroughly in a committee meeting is not accurate.

Mr. BECERRA. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. No. I will not.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from Colorado for yielding——

Mr. BECERRA. Mr. Speaker, point of personal privilege. I believe the gentleman said——

The SPEAKER pro tempore. The gentleman may not raise a point of personal privilege.

Mr. BECERRA. Parliamentary inquiry then? When would a point of personal privilege be——

The SPEAKER pro tempore. Does the gentleman from Colorado [Mr. MCINNIS] yield for a parliamentary inquiry?

Mr. MCINNIS. I do not. In fact, Mr. Speaker, I think the floor belongs to the gentleman from California [Mr. GALLEGLY] to whom I yielded 30 seconds.

Mr. BECERRA. I would ask the gentleman from California [Mr. GALLEGLY] then to yield for 10 seconds.

Mr. GALLEGLY. To yield for a parliamentary inquiry?

Mr. BECERRA. Parliamentary inquiry.

Mr. GALLEGLY. Mr. Speaker, I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. BECERRA. Mr. Speaker, I thank the gentleman from California for yielding for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. BECERRA. My parliamentary inquiry would be, at what point would it be appropriate to raise a point of personal privilege when the gentleman from Colorado indicated that I inaccurately stated some facts, when I think I stated them correctly when I said the committee of jurisdiction never heard this bill? I never spoke of the Committee on Rules.

So I am asking, when would a point of personal privilege be appropriate?

The SPEAKER pro tempore. The remedy of a Member is to engage in debate as it is not appropriate to raise a point of personal privilege at this point.

Mr. FROST. Mr. Speaker, if the gentleman will yield, it is my intention, when they are through, to yield some additional time to the gentleman in the well.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. GALLEGLY] has expired.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the additional time, and I will not take much time, I will not consume it other than to say that I appreciate what the gentleman from Colorado is attempting to say, but I do not believe I misstated any fact, because when I said that this bill has not gone through committee, I said the committee of jurisdiction, which is the Committee on the Judiciary, upon which I sit. It may have gone through the Committee on Rules at about 8 o'clock at night on, perhaps, 3 hours' notice, that is true, when a number of us had many things pending throughout that night of work.

I will say this though. In all the months, and we have been debating the immigration bill since last year, and my friend from California knows this, the originator of the amendment knows this because he is on the committee with me in Judiciary: Not once did we debate the substance of his amendment in the Committee on the Judiciary when we had a chance to do so.

But my point here is, we have a bill that has gone through the process in less than 12 hours, or 24 hours, when we have a lot of substantive legislation that affects the lives of Americans in this country that will never see the light of day because we are going to run out of time.

Let me yield back my time, and, as the gentleman from Colorado said, we each have time to yield.

Mr. GALLEGLY. Mr. Speaker, will the gentleman yield? I just want to respond to one comment.

Mr. BECERRA. I yield to the gentleman from California if it is a brief comment.

Mr. GALLEGLY. Mr. Speaker, when the gentleman said we have not had an opportunity to debate this, I would remind the gentleman that we debated this for 2 hours on the floor of this House, which is a bigger committee and a broader committee than any individual committee. It was debated; it was included in the bill; it passed by a 100-vote margin on a bipartisan level; it was taken out at the conference committee level.

So with all due respect to my good friend from California, this bill has had the attention, and for the sake of expediting the overall bill, I suggested that we have it as a stand alone. That is the reason it came. This is where it should be.

Mr. BECERRA. Mr. Speaker, I appreciate the comments of the gentleman from California. He is correct that it was debated on the floor, never having gone through committee, but it did get debated on the floor.

I will say this. While it got debated on the floor, at least it came up through the process of the immigration debate. This came up as a result of having been extracted from an immigration bill. We could have debated it in the bill that just took place, because it was there, Mr. GALLEGLY. The gentleman and I know it. It was taken out, for whatever reason.

Mr. GALLEGLY. If the gentleman would yield, we did not want to give our President an excuse to kill a very important bill.

Mr. BECERRA. He is still going to, I hope, veto this. But the point remains that back when we debated it earlier and today, law enforcement organizations, the school board associations, a lot of folks are saying this is not a practical bill, this is not a way to go, it is not only going to deny kids an education, but it is going to put kids on the street to either be victims of crime and perhaps even be criminals themselves, and for that reason my colleagues continue to see objections from the folks who will have to administer this.

It is not a good piece of legislation, and it should be defeated for those reasons, least of which are the procedural matters, which I believe violate the spirit of democracy.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from Colorado for yielding this time to me.

I would just like to respond to my good friend's, the gentleman from California [Mr. BECERRA], comments, and he is a good friend. We agree to disagree on many things, and this happens to be one of them.

He mentioned the list of people that were opposing this provision. Let me give my colleagues a list of some of those, a partial list, that are supporting it: Fraternal Law Enforcement, California, Arizona chapters; Law Enforcement Alliance of America, the largest law enforcement organization in the Nation; Hispanic Business Round Table; Republican Governors Association; National Taxpayers Union; Americans for Tax Reform; Traditional Values Coalition; Eagle Forum; the Congressional Task Force on California; and on and on and on.

Mr. MCINNIS. Mr. Speaker, we are prepared to yield back the balance of our time if the gentleman from Texas would like to do so.

Mr. FROST. The gentleman has no more speakers?

Mr. MCINNIS. We are prepared to yield back at this time.

Mr. FROST. At this point then, Mr. Speaker, we yield back the balance of our time and ask for a no vote on the rule.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of time, urge a yes vote, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. GALLEGLY. Mr. Speaker, pursuant to House Resolution 530, I call the bill (H.R. 4134), to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4134 is as follows:

H.R. 4134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after title V the following new title:

''TITLE VI—AUTHORIZING STATES TO DISQUALIFY CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM PUBLIC EDUCATION BENEFITS

''CONGRESSIONAL POLICY REGARDING INELIGIBILITY OF ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FOR PUBLIC EDUCATION BENEFITS

''SEC. 601. (a) STATEMENT OF POLICY.—Because Congress views that the right to a free public education for aliens who are not lawfully present in the United States promotes violations of the immigration laws and because such a free public education for such aliens creates a significant burden on States' economies and depletes States' limited educational resources, Congress declares it to be the policy of the United States that—

''(1) aliens who are not lawfully present in the United States are not entitled to public education benefits in the same manner as United States citizens, nationals, and lawful resident aliens; and

''(2) States should not be obligated to provide public education benefits to aliens who are not lawfully present in the United States.

''(b) CONSTRUCTION.—Nothing in this section shall be construed as expressing any statement of Federal policy with regard to—

''(1) aliens who are lawfully present in the United States,

''(2) benefits other than public education benefits provided under State law, or

''(3) preventing the exclusion or deportation of aliens unlawfully present in the United States.

''AUTHORITY OF STATES

''SEC. 602 (a) IN GENERAL.—In order to carry out the policies described in section 601, each State may provide, subject to subsection (f), with respect to an alien who is not lawfully present in the United States that—

''(1) the alien is not eligible for public education benefits under State law; or

''(2) the alien is required, as a condition of obtaining such benefits, to pay a fee in an amount consistent with the following:

''(A) In the case of a State that requires payment of a fee of nonresidents as a condition of obtaining such benefits, the amount of such nonresident fee.

''(B) In the case of any other State, an amount specified by the State, not to exceed the average per pupil expenditures for such benefits (as determined by the State and selected by the State either for the State or for the local educational agency involved).

''(b) INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.—For purposes of subsection (a), an individual shall be considered to be not lawfully present in the United States unless the individual (or, in the case of an individual who is a child, another on the child's behalf)—

''(1) declares in writing under penalty of perjury that the individual (or child) is a citizen or national of the United States and (if required by a State) presents evidence of United States citizenship or nationality; or

''(2)(A) declares in writing under penalty of perjury that the individual (or child) is not a citizen or national of the United States but is an alien lawfully present in the United States, and

''(B) presents either—

''(i) documentation described in section 1137(d)(2) of the Social Security Act, or

''(ii) such other documents as the State determines constitutes reasonable evidence indicating that the individual (or child) is an alien lawfully present in the United States.

''(c) PROCEDURES FOR SCREENING.—If a State provides for immigration eligibility screening pursuant to this section for individuals who are seeking public education benefits, the State shall provide for such screening for all individuals seeking such benefits.

''(2) A State may (at its option) verify with the Service the alien's immigration status through a system for alien verification of eligibility (SAVE) described in section 1137(d)(3) of the Social Security Act (42 U.S.C. 1320b–7(d)(3)).

''(d) OPPORTUNITY FOR FAIR HEARING.—If a State denies public education benefits under this section with respect to an alien, the State shall provide the alien with an opportunity for a fair hearing to establish that the alien has been determined by the Service to be lawfully present in the United States, consistent with subsection (b) and Federal immigration law.

''(e) NO REQUIREMENT TO DENY FREE PUBLIC EDUCATION.—No State shall be required by this section to deny public education benefits to any alien not lawfully present in the United States.

''(f) NO AUTHORITY TO DENY FREE PUBLIC EDUCATION TO STUDENTS ENROLLED AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 1996, AND ENDING JULY 1, 1997.—(1) A State may not deny, and may not require payment of a fee as a condition for the receipt of, public education benefits under this section with respect to a protected alien.

''(2) For purposes of this subsection, the term 'protected alien' means an alien who is not lawfully present in the United States and is enrolled as a student in a public elementary or secondary school in the United States at any time during the period beginning September 1, 1996, and ending July 1, 1997.

''(g) NO IMPACT ON IMMIGRATION STATUS.—Nothing in this section or section 601 shall be construed as affecting the immigration status of any alien, including the conferring of any immigration benefit or change in any proceedings under this Act with respect to the alien.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by adding at the end the following new items:

''TITLE VI—AUTHORIZING STATES TO DISQUALIFY CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM PUBLIC EDUCATION BENEFITS

''Sec. 601. Congressional policy regarding ineligibility of aliens not lawfully present in the United States for public education benefits.

''Sec. 602. Authority of States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 530, the gentleman from California [Mr. GALLEGLY] and the gentleman from Texas [Mr. BRYANT] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4134.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself whatever amount of time I shall consume.

Mr. Speaker, I rise in strong support of H.R. 4134. This is a modified version of the original Gallegly amendment which passed this House by a vote of 257 to 163 during the debate of the immigration reform bill just this past March.

I might remind my colleagues that the entire immigration bill, which at the time contained the original Gallegly amendment, passed this body by a strong bipartisan vote of 333 to 87. Like the original amendment, today's bill does nothing more than ensure that the Federal Government will no longer be able to force the States to educate those who are in this country illegally.

This legislation will allow all States full discretion in the way they want to handle public education and illegal immigration. However, unlike the original Gallegly amendment, this bill has been modified to ensure that it impacts only prospective illegal immigrants. In other words, all we are trying to do through this legislation is stop an entitlement that would otherwise exist in perpetuity.

This modified version of my amendment does not kick one child out of school, but it does serve notice to those who have not yet come to this country illegally, using education as a magnet, that public school may not be available. It does not offer the States the option of closing the school door to those who have arrived there currently.

Today this education represents an enormous unfunded mandate the Federal Government imposes on the States. California alone spends an estimated $2 billion annually providing education to illegal immigrants. That is enough to hire 51,000 new teachers or put 1 million new computers in every classroom. If we fail to act, States will be forced to provide a free public education to illegal immigrants until the end of time, and that is not right.

As the primary funders of public education, State lawmakers and the State taxpayers they represent should have the ability to decide whether illegal immigrants should continue to receive a free public education.

This Congress must continue to dismantle the system of public benefits that convinces those in foreign lands to come here illegally. It must also continue to decentralize the Federal Government and shift the power to the States. The revised version of the Gallegly amendment accomplishes both of these critical objectives, and I urge passage of H.R. 4134.

Mr. Speaker, I reserve the balance of my time.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I think it would have been best, frankly, had my good friend, the gentleman from California [Mr. GALLEGLY], who I believe to be quite sincere about this, had simply brought to the floor the original amendment which says flatly that we are going to prohibit the children of illegal aliens, illegal immigrants, from going to school. This is a repackaged version which attempts to make it seem like it is a little more

palatable, but it has really the same effect. I know that my friend from California would argue that point. But it has the same lack of effect as well.

Illegal immigrants do not come to the United States so they can get their kids in school. It really is, if my colleagues think about it, ridiculous to allege that they do. They come here to get jobs. The fact that we have illegal immigrants in the schools is the fault of our Federal policy which has, particularly in Mr. GALLEGLY's State and mine of Texas, border States and big border States, resulted in an awful lot of kids being in the school system; there is no question about it. It is aggravating, and it is expensive.

We put in the immigration bill a provision to require the Federal Government, who is to blame for the situation, to require them to pay the cost. It is not fair to make the schools of Texas, the school districts in Texas or California or anywhere else, pay this cost. Well that disappeared somewhere along the line in a House in which the Republicans are the majority. That is gone. The blame for that must be laid on the Republican side of the aisle.

The fact of the matter is, this is not a solution to illegal immigration. None of the studies have said that it is. A Jordan Commission report, which began this whole effort to change the immigration laws, did not ask for this kind of a measure, and that is because, as I said a moment ago, illegal immigrants do not come here to get their kids in school; they come here to get a job.

□ 1615

Mr. BRYANT of Texas. Mr. Speaker, if they are coming to get a job and they have kids, the kids are coming. Do we want, as a matter of national policy, to have these kids wandering the streets?

We might hear it said in a moment, well, the new version of this does not require that, it simply says the States can keep them out of school or can charge them tuition prospectively, beginning, I believe, with the class of next year. It does not make any difference. How many of these kids can pay tuition? Zero. They cannot pay tuition.

Second, if there is any possibility that their being in school is going to result in any type of notice being taken of them or their parents by the Immigration Service, they are not going to bring the kids to school. Some of my colleagues might say that is great, that is exactly what we want. I ask them to think again. That is not what we want. That is not what the police departments want, that is not what the school districts want. Nobody gives this a second thought.

We cannot afford to have a huge population of kids, no matter who their parents are, on the streets. Ultimately, that is exactly where this is going to lead. That is why every responsible institution in this country has said, do not pass this amendment; it sounds good, but it will cause an enormous amount of trouble. I urge Members to look twice at this.

I also urge them to take a look at how the public views this matter. I think originally everyone was quite afraid of the issue, afraid to vote against it and so forth, because they thought at election time it might come back to haunt them.

I have noticed even some Republicans are beginning to speak up and say they are against it, including, in my State, my two Senators and my Governor. All three Republicans have come out against this approach, at least the original Gallegly approach. I would have to let the gentleman speak with regard to the modified version, but certainly with regard to the original one, they were against it.

Mr. GALLEGLY. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. GALLEGLY. Mr. Speaker, I appreciate the gentleman yielding. It is my understanding that the Governor of the State, George Bush, supported the Gallegly amendment in its original form. However, he did support his right to continue to provide a free public education and said he would probably continue that policy, but he did like the idea of having the option, which is all this amendment is about.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time, I would simply observe that of the two of us, I am the one that reads the daily newspapers of Texas, and I believe I can produce the reports that would say differently than that.

Mr. Speaker, the fact of the matter is that the impractical result of this alluring proposal is obvious to those who study it carefully. I urge Members to do what is right for our kids, do what is right for our neighborhoods, do what is right for our police departments. Do not put another burden on the school districts, and vote against this bill.

Mr. GALLEGLY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think it should be abundantly clear as a result of the debate on the previous bill and on this bill here that the enforcement of our immigration laws has a very low priority in the minds of some, and perhaps not the same degree of urgency that it has in the minds of others who have appeared before this body today to speak.

I would simply say that we are dealing with two very separate and different issues here. One is truly the issue of unfunded mandates. By definition, we have traditionally thought of that as this body passing laws that have costs that are associated with other levels of government paying for them; namely, States and local communities.

Here we are not talking about passing laws, we are talking about the failure of the Federal Government to enforce its existing laws, that is, namely, our immigration laws; and by failing to do so passing on, by virtue of court decisions, the costs to States and to local communities in the cost of education.

If we are not serious about doing anything about unfunded mandates, then simply let us defeat this proposal. But if we are serious about it, then we should restore to the level of government that is having to pay for these decisions the power to make the decisions: namely, States and local communities.

My State, like most States, I am sure, divides that cost up, the cost of education. In our State of Georgia roughly half of the cost is paid by the State, the other half being paid by local property taxpayers. We have heard a lot of talk about compassion here, compassion for children. I would submit to the Members, there is another element of compassion, the senior citizen, the widow who is fighting to hold onto her home, and every year sees her ad valorem taxes go up, and part of that reason, a significant part, being the cost of education.

I would say that this is a matter of compassion, to restore to those who are paying the cost for our failure to enforce our immigration laws the ability to make a decision: Should they or should they not allow those who are illegally in our country to participate in the education system? That is a decision that they are paying for. They should have the right to make that choice. I say that is compassion. That is putting meaning into doing away with unfunded mandates.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I would observe that the same taxpayers that the gentleman from Georgia, Mr. DEAL, was speaking of would have to pay the cost of the law enforcement which would result from having all these kids on the street, the cost of the schools checking the citizenship of every kid in the school in an effort to find a handful who might not be here legally, and all the other attendant costs. That is why these institutions all oppose this approach.

Mr. GALLEGLY. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. GALLEGLY. Mr. Speaker, one of the reasons the Sheriffs Association of the State of California, the largest sheriffs association in the Nation, supports this legislation is the cost of education far exceeds the cost of enforcing the law.

Mr. BRYANT of Texas. Mr. Speaker, I would just observe that the Association of Elected Sheriffs, who are politicians like us, may have come out with a resolution like that, but the professional police departments and the school districts and those that have to

deal with this really on the ground do not agree.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

(Mr. RIGGS asked and was given permission to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding time to me, and for the hard work and tremendous leadership and expertise of the gentleman from California [Mr. GALLEGLY], on this particular issue, which is of tremendous concern and importance to California citizens.

Mr. Speaker, obviously there are many things that we can do to at least reduce the tide, the flow of illegal immigration into California and our other border States, but the best way to control our border is by demagnetizing it. That was clearly pointed out in the Jordan Commission, the commission headed up by the late Congresswoman of Texas, who said we had to reduce and ultimately eliminate social welfare benefits, including a free public education, for illegal aliens, if in fact again we were going to do a good job of controlling our borders.

This is just so important in California, and it is pretty clear the direction that this Congress should take. We have to have a national policy which specifies that the Federal Government no longer can impose mandates on State and local governments by forcing them, which is what current law does, by forcing them to provide taxpayer-financed benefits to illegal immigrants. The decision should rest solely in the hands of State and local authorities to decide where their resources go. That certainly applies in the area of education.

One of the more compelling of the border magnets is the free public education California and the other border States are mandated to provide the children of illegal immigrants, who are themselves illegal immigrants. This year their education will cost California taxpayers over $1.8 billion. That is an increase of 144 percent over just 8 years. So make no mistake about it, the availability of free public education is attractive.

In the fiscal years 1988 to 1989 there were 187,000 illegal immigrant children in California. Today, there are almost 380,000. That is a doubling in just 7 years. That number continues to grow every year. That is why California voters spoke very loudly, very clearly, in 1994 when they approved the California statewide ballot initiative, Proposition 187, by nearly a 60 to 40 margin.

Let me just put this in a little different perspective, though. If not compelled by Federal mandate to spend $2 billion annually to educate illegal immigrants, California could instead hire more than 58,000 new teachers, install at least 1 million computers in classrooms. Are they listening, our Democratic colleagues in the Clinton administration? Because, of course, we have heard the President talking about linking every single classroom in the country to the Internet, making sure that everybody is on line. And with that funding we could construct 23,400 new classrooms to ease overcrowding in California public schools. That is clearly the direction that the California State Legislature and the Governor want to go, on a bipartisan basis.

One other bit of perspective on this. The $2 billion we are spending annually to educate illegal immigrants is equal to the total amount the State spends to run all nine campuses of the University of California. So the Gallegly provision is very necessary to allow California taxpayers to protect themselves from these exploding costs.

We are hearing objections from congressional Democrats and from the Clinton administration, saying California taxpayers must educate any illegal immigrant, even those who have yet to enter the country. That clearly is not what California voters want. I think those of us who are elected to this House have a first and foremost responsibility, obviously, to represent the constituents of our districts and our home States.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I would just like to ask the gentleman how he distinguishes here between this and other questions.

The SPEAKER pro tempore (Mr. CHAMBLISS). The time of the gentleman from California [Mr. RIGGS] has expired.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would ask the gentleman if he would respond to my question. The gentleman says that the school systems ought to decide whether or not, the States should decide whether or not this Federal issue should be dealt with locally or not. Does the gentleman think that the States should be deciding whether or not we require them to integrate the schools, or should the Federal Government require them to integrate the schools?

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, did the gentleman say integrate or immigrate?

Mr. BRYANT of Texas. Integrate. The Federal Government now requires the school systems to be integrated, to permit all students to come to schools. Do you think that we should continue that policy?

Mr. RIGGS. That has been a matter of Federal policy for years, of course.

Mr. BRYANT of Texas. How does the gentleman distinguish, now? We are talking about a Federal issue here. Ought it not be the same in all States also, that we require they be in school?

Mr. RIGGS. If the gentleman will continue to yield, let me put it in the words of Gov. Pete Wilson: Should a State want to commit its educational resources in this area, and I think the gentleman is correct, that is the course his home State of Texas would like to take, it would be free to do so under the Gallegly amendment, because the decision under the Gallegly amendment is left to the States.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding time to me.

Certainly it is no wonder the Speaker GINGRICH chose to elevate another anti-education proposal in these waning hours, precious hours, and to say he will place this above all the other issues that face the American working families today. For, indeed, this has been the most consistently anti-education House in memory.

We have replaced decades, if not centuries, of a bipartisan commitment to Federal aid to education with extremism, with a hatchet that goes after one program after another. This is the same crowd that in the last 2 years has attempted to cut almost $20 million from Federal student loans. It is the same crowd, this Gingrich Congress, that tried to raise the cost of going to college by $5,000. It is the same crowd that said to thousands of American citizens that we will give their children a wrong start, not a Head Start. And whether it was Head Start or college or anything in between, they went after every title in the education code, whether it was safe-and-drug-free schools bilingual education or any other provision.

So when we have a Congress that is that extreme and that anti-education, how can it be a wonder to anyone that they would want to cut off educational opportunities to the newest arrivals, because they have had little use for education for Americans who have been here for generations.

Basically, this new crowd, this Gingrich Congress, its position is that we should terminate the entire Federal commitment to education. They just plan to do it one program at a time. This is just part of the overall scheme.

As for the specific children that the Speaker wants to deny education to today, the plan is simple enough. When the kids get old enough and they have gotten above the pre-Head Start level and the Head Start level, when they get old enough to join a gang, the program being advanced here today is to give them an education, all right, give them a education in the street, education of the gang, of drugs and of crime. That is why, instead of learning their ABCs, they will learn how to break into your house or car. That is why every major law enforcement organization nationwide, almost, has come out against this provision.

□ 1630

Of course this nonsensical approach is antieducation, and it is not going to

work in the interest of our law enforcement officers.

The supporters of this measure continue to insist that ignorance is cheaper than education. When we look back over this Congress, we look at the $1.5 billion wasted on costly government shutdowns. The legacy of destruction and ignorance in this Congress is great indeed when we look back over the costly government shutdowns. When we look at all the education programs this Congress has tried to wreck under the leadership of Speaker GINGRICH, I think we can certainly say that the cost to the American people of ignorance has been dear indeed.

Mr. GALLEGLY. Mr. Speaker, I yield myself 15 seconds to respond to the gentleman from Texas.

First of all, this is not antieducation, it is proeducation. It is proeducation for the students that have a legal right to be in this country, that are either legal residents or citizens. This is the most proeducation bill we have had in a long time.

And on the issue of law enforcement, as the gentleman from Texas knows, it is broadly supported by more law enforcement people across this country than it is opposed.

Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I congratulate my fellow Californian, Congressman ELTON GALLEGLY. He has fought a long and hard battle to get this issue to the floor and to have our Government come to grips with a major threat to the well-being of the people of the United States of America.

This Congressman, when I first came here in 1989, took me aside and we spoke about the illegal immigration problem, and that was back in 1989. We have worked together diligently ever since, and he has provided enormous leadership on this issue. We were never able to get this to the floor for a vote. Why is that? Because when the liberal Democrats controlled the House of Representatives and the U.S. Senate, they were not about to let any honest debate on this issue take place. Perhaps it is because there is an alliance, a political alliance somewhere that someone wants to maintain that is costing the American people the right to run their own country and the right to educate their children and the right to actually control our own borders.

The fact is that, until the Republicans took control of the House, the liberal Democrats put us down every time we tried to discuss this issue. We could never get a vote. Thank God that at last this problem is being confronted. Since Mr. GALLEGLY and I talked in 1989, millions upon millions of illegal immigrants have flooded into our home State of California and across the country as well. Those millions of illegal immigrants that have come here, they may be fine people, but they are consuming resources and benefits that are meant for the people of the United States of America.

In California, we see our health care system breaking down. We hear and see our education system breaking down. We know something must be done, but we have been prevented from doing so because the people who ran this House for all of those years refused to let Mr. GALLEGLY present a bill and get it to the floor of the House of Representatives.

I applaud Congressman GALLEGLY and the others who have worked so hard on this, because we care. We care about the people of the United States of America, and we know that the people are not going to buy the line that this is antieducation because we want education dollars to go to the benefit of our children rather than foreigners that have come here illegally. That is antieducation? Nobody buys that. That is the type of arrogance that has been rejected by the people of this country.

I hope that when they go to the polls a month from now that they realize that type of arrogance is a thing of the past and put it to bed forever. The fact is the people of the United States expect the tax dollars that are being taken from them to be used for their benefit.

The Gallegly amendment basically focuses on education, which is of major concern. For us to say that those people coming from other parts of the world do not care about their children, are not coming here to give their children a free education is ridiculous. All the Gallegly bill now does, and I do not think it should have been compromised before, I mean the fact is it was much stronger before, saying illegal aliens who are here should not get the benefit, but this bill now before us just says future illegal immigrants should not get this right of education.

Let us end this attraction to illegal immigrants. This bill at least cuts off the attraction to future illegal immigrants from taking away those limited tax dollars that we have available for education.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 1 minute.

I just wonder if the gentleman was reading the papers back in 1986 when the House of Representatives under Democratic leadership took up the fundamental immigration law for the first time in many, many years and passed legislation making it against the law for people to hire illegal immigrants who are in this country. The gentleman gave us a pretty hard time there talking about how all the evils of the world are a result of the fact that you could not get the Gallegly amendment up on the floor. The fact of the matter is we passed about three immigration bills in the time that I have been here which is 14 years.

Mr. ROHRABACHER. If the gentleman will yield, to answer the gentleman's question, I remember the 1986 bill. That is the one that granted amnesty to millions of illegal immigrants and sent the message out to all the people in the world, ''Come to the United States because if you get in, eventually they're going to wear down and they're going to give you amnesty.'' That bill precipitated this flaw.

Mr. BRYANT of Texas. I would like to ask the gentleman further, have you not read the bill? It did not say to the rest of the world, ''Come on in, you can get amnesty.'' I do not know where you got that. But I suggest you read the bill and read some history before you come to the floor and indict the last 10 years of this Congress.

Mr. ROHRABACHER. We know what happened after that bill passed.

Mr. BRYANT of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

I am going to go back a bit, because a number of speakers have come up here and said, and I suspect will get up here and say about the costs of illegal immigration and the immigrants that are coming, and California and the costs. Certainly there are costs, but it would not be a full and honest debate, I say to each and every Member that is going to get up here and say that, if you did not also say what they are contributing. Whether it is the food you eat, the clothes you wear, you are able to purchase it for a decent price because of the work that some of these folks do.

On top of that, it would not be an honest debate whether they are here legally or not. Because if they are not legally here, I think everyone agrees that they should be deported; but while they are here and working, if they happen to buy an article of clothing the way you or I do, they pay the same sales tax that you and I have paid. If they purchase a car, or furniture, they pay the same sales tax that you and I have paid. If they own property, and many of them do, they pay property taxes the way you and I do. If they do not own property but they rent, they are ultimately still helping to pay for the property tax on that property through their rent. If they own a business, and many of these folks do, they pay business taxes to the local government.

All of that, as the gentleman from Georgia [Mr. DEAL] had mentioned, all of that is the basis of the payment for education in most States. I know for a fact in California, most of the money comes from sales tax and local property taxes for the schools in our State. So please, if you are going to make an honest debate, if you are going to talk about the estimated cost because it only can be an estimated cost, what the estimated cost is of having a child go to school if he or she happens to be undocumented, also mention what is contributed by these families because they are not just languishing. Most of them are providing some payment.

Another point: In bad times or in good times, we have had folks in this

country who do not have documents who are, as I said before, and everyone will agree, deportable. Bad times or good times. In good times, folks were not saying that they were costing our schools all this money and as a result our kids were not getting educated, our people were not getting their health care.

In good times or in bad times, they have been here. When the economy shot up, when the economy has shot down, they have been around. It just so happens that in bad economic times, you look for the scapegoats, and it is easy to point your finger at those individuals.

Mr. ROHRABACHER. If the gentleman will yield, I am not suggesting these are bad economic times.

Mr. BECERRA. I am not suggesting that. I am just saying whether it is good or bad times. Mr. Speaker, I suspect the gentleman will agree with me, as a Republican, that these are good economic times.

Let me continue if I may. This whole argument really, if you boil it down, is the following. I think everyone in this Chamber will ultimately agree, if you kick a kid out of school, you will not drive the parents out of the country. What you do is you kick a kid out of school and you put the kid on the street. The parent is probably here because he or she probably has a job, probably in the underground economy, is going to stay here because chances are in the home country the person would not be making as much money. In the home country there is a good chance the kid would not get educated anyhow.

So they are probably going to stay here whether or not you place a kid out on the street. The real concern, as most of the law enforcement officials and Sherm Block, the Sheriff of L.A. County, will attest to this, and he is a Republican, he is opposed to this particular provision by the gentleman from California [Mr. GALLEGLY], he will attest, it is better to have a child in school than on the street.

If this is meant to drive people out of the country who are here without documents, it is going to fail miserably. And if it is, what are the consequences? You and I will not see the consequences because we are here in Washington, DC, making the policy. The consequences will be faced by the school districts and the school boards that are opposed to this measure and most of the law enforcement officials who are opposed to this measure because it does not help them take care of their worries locally.

How much will it cost? This really is antieducation. Why? Because if you think someone is going to have their child pay tuition, this proposal says, well, these people who are undocumented can pay tuition for their kids to go to school if they want to continue using the public schools.

Let me tell you, if you are going to use $5,000 or $6,000, I guarantee you most people would send their kids to some private school for that amount of money if they could because they would avoid the problem to begin with of having their kids go to a public school and being caught. You are not going to do anything with this measure, no kid is going to be able to afford to pay the tuition for a public or private school.

Mr. GALLEGLY. If the gentleman will yield, there is no tuition in the amendment here.

Mr. BECERRA. But the real issue in terms of cost and why this is so antieducation is the following. In California, which by the way, unfortunately, our Governor has been unwilling to fund education in our schools the way it should be. We are now ranked one of the last in this country. We used to be one of the first back in he 1950's in terms of education funding. But we provide about $6,000 per pupil in California in money. That is in school.

You drive a kid off on the streets, and you are going to have come costs to the local law enforcement to try to make sure that they are making sure these kids that are on the street now are not committing crimes or becoming victims of crime. But should they become involved in criminal activity, this young child who has been kicked out of school will probably be incarcerated, not imprisoned because they do not take them to adult prisons. They take them to the youth offender facilities, which cost about $33,000 per year in the State of California.

So if you think $6,000 is expensive in our public schools, then $32,000 is surely much more expensive than that. That is what you are driving towards with this particular piece of legislation.

A couple of more points: Why we would want to set as a national policy a principle that says we are going to hit the kid, we are going to punish the kid for the acts of an adult, I am not certain. I know the courts right now are debating whether you can punish a parent for the acts of a child. Some of these delinquents, children who become delinquents, we are now having some local laws that say, OK, let us punish the parents for letting this kid become a delinquent.

The courts have not decided yet if, in fact, you can punish the parent for the acts of a child. Not only are you going beyond what the courts have even permitted, but you are turning it on its head, you are saying punish the child for the acts of the adult, as if a 2-, 4- or 7-year-old could tell his or her parent, ''Don't cross that border without documents, Mom or Dad, because, if you do so, we're in trouble.''

Be realistic. This is not sound policy. If we are going to address the issue of illegal immigration, let us do it where it most counts, at the border. We did that in the bill that just passed. We did provide additional funding to Border Patrol.

We could have done more to provide more protections at the workplace to make sure people do not work without documentation. We did not. This is just another measure that sounds good. That is why it is bottled up in California after Prop 187, because it does not work. We should be about the business of passing laws that will work, not just because they sound good but because they will work. Unfortunately, this will not work.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon [Mr. COOLEY].

☐ 1645

Mr. COOLEY of Oregon. Mr. Speaker, I rise today in support of H.R. 4134, a bill that allows States to deny public education benefits to illegal immigrants.

This bill is only a matter of fundamental fairness. States are trying hard to balance their budgets. Meanwhile, a growing population of illegal immigrants strain the public resources of the State and local governments.

We order the States to give taxpayers funded public education, to who? To those who are here illegally. Is this not an unfunded Federal mandate, which we just passed legislation to discontinue?

Come on. At a time when we are trying to introduce common sense to Washington, DC, let us get rid of these senseless mandates. Let us have compassion for the hard-working taxpayers of this country. Let us let the people of the States decide whether or not they want to spend their tax dollars on public education for illegal immigrants.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I have had the privilege of actually discussing and negotiating this issue at length with representatives in Mexico of the Senate and the Congress. Let me tell you, I heard the same arguments in Mexico that I am hearing on the floor right now of excuses not to do the reasonable thing.

What is interesting is I do not think any of us think that Mexico is xenophobic or antiimmigrant. But the fact is in Mexico, they have a law that says you must prove you are a legal resident, if you are not a citizen, before you even get into a private school, let alone a public school. So the xenophobic issue, I think, is pretty settled and Mexico agrees it is a reasonable approach.

But I ask you, who are the children we are talking about here? I hear people on the floor saying ''our children.'' Are they talking about the legal citizen children who are not getting their fair share of education in the States impacted? Or are they talking about ''our children'' who are the legal resident aliens, who have played by the rules, who are not getting their fair share of the revenue for their education? Or are they talking about ''our children'' as being the illegal aliens in school right now? Because this bill

does not affect any of those people. It says if you are illegally here today, you can continue to go to school.

It just says that the people who are thinking of coming here to the United States, who are not here now, we will not require a free education to be given to your children.

So when you say ''our children,'' are you talking about the people here in the United States today, or are you saying this Congress represents the illegal immigrants who are not even in this country today, that are thinking of coming, that they take priority over everyone else in the educational system today.

Mr. Speaker, I ask to pass this bill, because it is for our children, both those who are legally and illegally here today, and the citizens. All it asks is that those who have not come here and made the decision to break our laws not be rewarded and encouraged to do that. That is all we are asking for.

I would ask my colleagues, when you talk about this, think about the fact that the message we are sending around the world, to my cousins in Australia who say ''We hear if you break the laws of America you get rewarded.'' It is time we stop sending that message, not just to Latin America and Australia, but the rest of the world. Let us play by the rules.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 15 seconds to observe, this bill does not relate to or exempt the kids that are not here today; it exempts the kids that are not in school today. Those kids that are not in school today would not be able to get in school in the future, and they would remain on the streets. Heaven knows what would happen to these little kids if they were left on the streets.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, the previous speaker, also a good friend of mine, from California, said that this cousins in Australia have heard that if you break the law in America you get rewarded.

Well, what did you tell them, Mr. Lawmaker?

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I have not finished my question to you yet. It is going to be a little more complicated than that.

If you break the law in America, you get rewarded? We have got more people in prison for breaking the law than any nation on the face of the planet, and building more prisons than schools.

We are now federally subsidizing the increase of prisons in States, and your cousins in Australia are telling you, a Federal lawmaker, that you get rewarded for breaking the law in America, and you repeat that on the floor of the House without even telling us what you told your cousin.

Mr. BILBRAY. Would the gentleman yield?

Mr. CONYERS. Not yet, I have some more to tell you about this subject, sir, and then I will be pleased to yield.

Now, it just so happens that the bill that you so avidly support here on the floor is nothing more than a mean-spirited attempt to punish children for the actions of their parents. Did you explain that to your cousins from Australia?

And, by the way, what do you think happens to all these hundreds of thousands of kids that you would exclude from schools here? What do they do? Join the Boy Scouts and the Girl Scouts? Or do they get part-time work? Or do they go the day care centers that their parents will assign to them? Or do they stay out on the streets and become criminals or victims of crime that your nephews fail to understand that you do get punished here in America? You get punished more in America than you do anywhere else in the world.

Mr. BILBRAY. Would the gentleman yield now?

Mr. CONYERS. Not yet. I have not completed.

Now, my dear friend, Mr. GALLEGLY, one of the best mayors California ever produced, how come you did not allow this great provision to remain where it was created, in the immigration bill? You have not explained that on the floor.

Mr. GALLEGLY. Yes, sir, I did.

Mr. CONYERS. No, you did not.

Mr. GALLEGLY. I will be happy to.

Mr. CONYERS. Well, you ought to be happy to. But this is the provision that came out of the immigration bill so it would have a life. And it did not come from the President or the Democrats. Guess who wanted it out?

Mr. GALLEGLY. I will tell you.

Mr. CONYERS. The Speaker of the House wanted it out. Your colleagues on the Republican side pleaded to have it taken out. And now, after it has been taken out, you march right up again telling us about all the provisions.

And now, if there is any time left, I would be happy to yield to my distinguished colleague from California for 15 seconds.

Mr. BILBRAY. If I may answer the question, what I told my cousin in Australia is: Tom, just because in the past America has rewarded people for breaking our immigration law——

Mr. CONYERS. Stop, I do not yield any more. Because if you told them that we once used to reward people for breaking the law, then you have failed your obligation as a Federal lawmaker. I am not yielding to you, sir, because you are giving misinstruction on the Federal law to your relatives in your family. Now, they ought to check with the ranking member of the Committee on the Judiciary if they want to know what happen to people that break the law in America.

Mr. Speaker, I will now yield to my distinguished friend, the subcommittee chairman on Judiciary, for 15 whole seconds.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman, my friend, and he is my friend, from the great State of Michigan for yielding, to answer his question about whose idea it was to change this. I think the gentleman would agree that this was something that I wanted in this bill or I would not have brought it to the floor during the debate in March.

Mr. CONYERS. Why was it taken out?

Mr. GALLEGLY. Let me remind the gentleman, if the gentleman will give me 10 seconds uninterrupted, I will give him a complete answer. Will the gentleman yield me 10 seconds?

Mr. CONYERS. Well, the majority of my colleagues want me to do it, so I will do it.

Mr. GALLEGLY. I thank the gentleman for yielding. The reason this was taken out is the President of the United States, our President, said he would veto any bill that gave the States anything short of an unfunded mandate in perpetuity, guaranteeing a free public education entitlement for anyone, whether they are here today or in the future. We did not want to see a very important immigration bill threatened. The President said we only had that in there so he would veto it.

Mr. CONYERS. Mr. Speaker, reclaiming my time, in other words, you are blaming the President of the United States for NEWT GINGRICH's decision to remove it?

Mr. GALLEGLY. It was my suggestion.

Mr. CONYERS. Is that the idea?

Mr. GALLEGLY. No, it is not.

Mr. CONYERS. It was your suggestion to remove it?

Mr. GALLEGLY. Because I would not allow the President to hold this hostage.

Mr. Speaker, I yield myself 15 seconds to finish that. I think it is very important the American people understand why this provision is a stand-alone bill. In March this provision passed overwhelmingly in the House. We brought it back after we modified it. The President said I will veto this bill, I will veto this bill.

We were not going to allow the President to have an excuse to veto this bill. I suggested we remove it, let it stand alone. I believe in the democratic process. If the people of this Congress say, GALLEGLY, your bill is bad, so be it. I do not think that is going to be the case. That is the reason it is here.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues on the other side of the aisle, those that are going directly toward the issue, I laud that. That is fair and open debate. I think that is what this House is for.

Those that use this as a political satire to demonize the Speaker of the House, and according to the gentleman from California, GEORGE MILLER, the leadership meets once a week to take

out and find ethics violations for the Speaker, and according to GEORGE MILLER, and I quote, ''He is the general, it is in our best interests to take him out,'' that is wrong.

But those that speak to the issue, I laud them, and I respect their opinion. But I disagree with it.

I would say those from the liberal left that would not support the welfare, would not support the balanced budget, and then told stories to try and scare the American people, I think that is wrong.

What I would say to my liberal left friends is that my mom once told me, ''If you lie enough, you are going to go to Hades, and I will be very happy and justified when you pass away to send you a fan.''

And this issue is costing not only taxpayers, it is costing children. I will speak to California, children in California. It is not $6,000 a year, it is $4,850 per student times 250,000 students in K through 12. That is $2 billion a year, I would say to the gentleman from Texas [Mr. BRYANT]. Think in 5 years what we could do in the State of California with fiberoptics, computers, and paying teachers and the rest of it.

We have 18,000 illegal felons. When one talks about we are building more prisons than we are schools, that is one of the reasons I think, yes, the border is a good place to start. But economically, criminally, and against our poor and Medicare, we are destroying American citizens, and that is why we are supporting this, not mean-spirited.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

(Mr. PACKARD asked and was given permission to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I want to thank the gentleman for yielding me time.

Let me make a proposition to the Members of the Congress. Let us take American taxpayer dollars and send it to Mexico or to any other country and educate their children. Those that have chosen to stay in their country and to abide by our border laws, they probably have a better right to our taxpayer dollars to educate their children than those that break our laws to bring their children here and get an education at taxpayer expense.

Now, I think it would be a ridiculous idea to send our tax dollars to Mexico or to any other country to educate their children. But it is more plausible and more just and more reasonable than to invite them to come illegally into our country and educate the children.

Now, you think about that.

□ 1700

We will not send our money to foreign countries to educate their children, but I think a parent of a child that stays in their own country has a better right to our dollars then those who break our laws and bring them to this country.

Now, the argument has been how can we turn them out on the streets without being able to get a job? We can take an illegal child all the way from kindergarten through high school and graduate from high school and they cannot legally get a job in this country, so we should not use the argument that they need a job.

I have an end to the idea that this bill is antieducation. That is the most spurious of all arguments. I have 33 grandchildren, my wife and I, and every dollar that we spend on illegal alien children is a dollar that my grandchildren do not have for their education.

I do not need to tell my colleagues that in California, at least, maybe not in other States but in our State, we do not have enough dollars for education. Our children are being shortchanged. I do not want my 33 grandchildren, all in school virtually, to be shortchanged because we are spending our tax dollars to educate illegal children.

I strongly urge a vote for Gallegly.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in strong support of H.R. 4134. This legislation allows each State to decide whether it should provide a public education to illegal immigrant children. Just because the Federal Government has failed in its duty to secure our borders, States should not be required to spend limited State resources on education benefits for illegal immigrants.

For example, in my home State of California, taxpayers shoulder a $2 billion burden to provide an education to nearly 400,000 illegal immigrants. Further, California's children struggle to learn in overcrowded classrooms with a limited number of teachers and few resources.

In short, H.R. 4134 restores a fundamental State right to establish its own education policy and removes one of the most costly unfunded mandates of the Federal Government.

Again, I urge my colleagues to vote in favor of H.R. 4134.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the gentleman very much for his leadership on this issue, and I am urging my colleagues to vote ''yes'' on a modified Gallegly.

First, it ends the unfunded Federal mandate that forces States to provide free public education to illegal aliens not yet in our schools; it protects children already in schools as of July 1, 1997, and does not kick anyone out of school; and it guards against creating a new education entitlement for those not yet even in this country.

Now, folks, today, we have 35 to 40 children in every public education classroom. We are, indeed, overcrowded. In the Palm Beach County School System there are 37 languages spoken. In Palm Beach County, FL, teachers are required to complete some 300 hours of training to be prepared for English As A Second Language, to be able to assist students with other languages, taking time away from their families to learn to adapt to others who do not speak the English language.

A moment ago a colleague suggested that we do not talk about the benefits illegal aliens provide to this State and Nation, we do not talk about the taxes that they pay. Well, then, is it fair to say that we respect and appreciate drug dealers because they certainly pay taxes themselves, as well?

The gentleman from California, Congressman BONO, and I were talking a moment ago, and this is the only topic in this Congress where the word ''illegal'' is actually protected. We talk about illegal drugs and we give 5-minute speeches on the terror of drugs in our Nation. We talk about rape and murder, illegal, crimes, and we talk about the toughest, most serious punishments we will level out in this Congress. Yet we talk about people illegally coming to this country, and we are supposed to be silent. We are supposed to be quiet.

Now, some of our colleagues are defending Governors, like Governor Chiles in Florida, who is suing the tobacco companies to recover health care costs because of the tobacco deteriorating one's health and costing the States moneys. Well, I would suggest to Governor Chiles that he sue the Federal Government to recover moneys for education benefits paid to illegals. In Florida we are spending $800 million to $3 billion annually for illegal immigration.

Now, clearly, this Congress stepped up to the challenge when Mexico needed to help in its currency to the tune of $20 billion. But how are States like Florida, Texas, and California going to meet their payroll obligations, their fiduciary obligations to their taxpayers, if we do not start discussing this in an honest and fair manner?

People who come here illegally should not be rewarded. No, none of us suggests we want our children out on the street, but we have to send a message sooner or later that the United States of America is not going to accept everybody in illegally.

There are hundreds of thousands of people who are seeking to come to this country legally, that have applied to their Embassy to gain the privilege of being an American and to come to this country and participate. So we should not let others who illegally come in to this country to jump in front of that line, jump in front of those honest citizens who want to find opportunity in American society. Do not deny those people that are waiting in line to come to this country by suggesting that people who are illegally here should have all rights and privileges.

I have to think, ladies and gentlemen, of those 35 and 40 kids in those classrooms in Palm Beach County that are not getting a good education because of the overcrowded conditions.

The gentleman from California, [Mr. GALLEGLY] has worked tremendously hard on the Task Force on Immigration Reform, and in particular on this issue, because he knows well enough that California, Florida, Texas, New York, and other States have long endured the cost to their taxpayers to provide benefits for illegals.

It is time simply to stop. Not stop with the people who are here today, but stop July 1, 1997, for those who would arrive and expect something for free from this Nation.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 30 seconds only to observe that I think it is all our responsibilities to take the next step and say what would be the actual result of doing what the gentleman is advocating.

Nobody wants illegal immigrants to be in this country, but the simple fact is not one single credible source believes that if we keep these kids out of school that their parents are going to leave or that they will not come here because, as the gentleman from California [Mr. BECERRA] said, they are not getting a decent education where they came from anyway.

If that is the case, what do we expect to do with all these kids on the street, first; and, second, what do we think will happen to all these kids on the street?

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, there were several Members that got up that were in the State legislature, the same as I was, who decried the lack of money or education in California. Let me tell my colleagues something. The lack of money in education for California is the fault of the State legislature. The State constitution states the highest priority of any revenues collected should be for education, and yet the State has never acted that way and there are schools that are in desperate need of monies that the State has never provided for. So this is a lousy argument, that the illegal children that are being educated are depriving monies to the children of the citizens that should be educated.

I take umbrage with the statement the chairman made about Mayor Gallegly being the best mayor to come out of California, because I always thought I was.

Having said that, let me go back to the law itself. There is no Federal law that says that States must educate children of illegals. It was a court decision that acted because there was no policy statement by the Congress.

So now the Congress is making a policy statement that will only allow it to go back to the court, because the court acted under Article XIV, which really says that no State shall make or enforce any law which shall abridge the privilege or immunity of a citizen of the United States, nor shall deprive any person of life, liberty or pursuit of happiness without due process—and now get this, this is the important part—nor deny any person within its jurisdiction, it does not say legal or illegal, any person within its jurisdiction the equal protections of the law.

I suggest that should this bill pass and become law, if the President would sign it, which I doubt that he will, it will still come back. The first time a State decides to act on our prerogative, our policy, it will still come back to the court and the court will still, under the protection clause of the Fourteenth Amendment, will say we have to educate children.

But what really is surprising to me is people and Members that get up in the well of the House and talk about the funds that we do not spend abroad. We spend too many funds abroad and not enough here in the United States, and maybe we should start thinking about that.

The fact is that what we are really talking about is the dignity of our country. We have talked and people have gotten on the floor here and talked about the suffering children all over the world and the starving children. And we have such sympathy for them, but yet if there are children here in the United States, we have no sympathy.

I admire the strength, the aggressiveness, the tenacity, the determination of those Republicans on that side that would get tough on immigration, get tough on the perpetrators of the illegalities we talk about with regard to the adults that are coming across, not the children.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank my good friend and California colleague, Mr. GALLEGLY, for yielding me this time.

Mr. Speaker, I want to clarify one I think fundamental issue in this whole debate, and that is that we are talking about legislation which is prospective; that is to say, the Gallegly amendment would only apply to children who are not yet illegal immigrant children, who are not yet in our public schools.

So all these objections that we are hearing basically have the effect of overriding the concerns and the feelings of taxpayers who are opposed to magnetizing our borders. Basically, our Democratic friends and the President and his administration are saying we must educate any illegal immigrant, even those who have yet to enter the country.

Now, that makes no sense. It makes no sense whatsoever for one Federal law to reward illegal immigrants from violating another Federal law, and that is what we are talking about in this debate, especially when it heaps tremendous burdens upon State taxpayers and deprives legal residents of needed services.

So I want to conclude with a letter that our governor, Pete Wilson, sent to the Speaker of the House, who I believe is going to conclude the debate here momentarily, back in March when we first debated the Gallegly amendment. And it is as applicable now as it was then.

He said in his letter, the governor, should a State want to commit its educational resources in this area, it would be free to do so under the Gallegly amendment because the decision is left to the States. On the other hand, California would be freed from this mandate, as dictated by the overwhelming passage of Proposition 187, and allowed instead to target limited State resources to meet the educational needs of our legal residents.

The gentleman from Texas [Mr. BRYANT] brought up, I thought, a fair question earlier. And the response, really, is the basic premise of the Gallegly amendment, which is to leave education decisions where they rightfully belong, at the State level. And that is very much in keeping with the longstanding American decision of decentralized decision-making in public education.

Yet unless we pass this legislation today, the burdens of this particular mandate will remain, and thousands of needy California schoolchildren will be shortchanged. I urge the House to pass the Gallegly legislation.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Texas friend for allowing me 1 minute to speak against this bill.

One of the reasons I voted for the immigration bill ultimately was because this amendment was removed from it. This is an amendment, Mr. Speaker, that sets the pattern that we have seen in the Congress for the last 2 years: If we are going to cut the budget, let us cut education; if we are going to punish somebody, let us punish children, and that is what this amendment will do.

People do not come to this country to put their kids in public school. The children do not come here because of their own volition. They come here because somebody brings them. And to punish a 10-year-old in Texas or a 10-year-old in California who is not here of their own volition and say they cannot go to public school, it is wrong and this is bad public policy. It is bad public policy on the State level as well as the Federal level.

I am always proud to be a Texan, but I am particularly proud to be a Texan because our Governor of Texas, who is a Republican, by the way, Governor Bush, has said he would not allow the children to be removed from Texas schools. And I admire him for that and thank him for his commitment to education. That is why this bill is so bad, Mr. Speaker.

□ 1715

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise in support of this bill. Let me point out to my colleagues, legal residents of this Nation cost the American taxpayers $4.5 billion. Who pays this? Most of the education, public education funds are raised almost exclusively through the taxation of State residents. The State has to tax individual families, individual people to pay for this, $4.5 billion. Therefore, it is fitting that the State decide this issue, not the Federal Government. So the gentleman's bill is simply saying let the States decide instead of forcing an unfunded mandate from the Federal Government.

It is also a case where it is only right. There are disincentives, if we pass this bill, for people to come and put their children into schools illegally. I urge my colleagues to think of it in those terms. Would Members want to be taxed to pay for the education of illegal immigrants? Why not let each State decide? If New York City or New York wants to decide one way, they can decide. I urge my colleagues to support this amendment.

Mr. GALLEGLY. Mr. Speaker, I have only one speaker remaining, and I reserve the balance of my time.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself the balance of my time.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, we have heard a lot of talk about education here today. I would remind Members of what the gentleman from Texas [Mr. DOGGETT] observed a moment ago, that it is coming from the side of the aisle that proposed a 15 percent cut in Federal aid to education. So I wonder, really, if this is not election year rhetoric as opposed to substantive concern. I see some heads shaking. I will give them the benefit of the doubt.

We cannot leave this floor without explaining to the American people why it is that a Republican Governor of Texas, two Republican Senators from Texas, and a State very large, very much impacted, disagree with this approach; why the Republican sheriff of LA County, certainly he knows the meaning of this, disagrees with this approach; what we are going to do with all of these kids that are going to be left on the streets; what is going to happen to these little kids wandering the streets; why the majority Members think anybody is going to pick up and go home because their bill passes, when all of the studies indicate that they are wrong about that. We have got to be able to answer these questions.

All of these hot speeches we have heard out here today, they are just fine for getting reelected. They are not fine for governing the country. Everybody would like to make a speech that will draw the applause. But I will not yield. We must pass legislation that can govern this country. I do not want the illegal immigrants here either. Everybody agrees with that. But I do not want gangs. I do not want kids wandering the streets. I do not want kids kidnapped off the streets who are left defenseless on the streets.

I simply would say, we do not want the pandemonium that will be caused by this policy which looks good on the face of it but will not work, as every expert has testified. Members, please vote against the Gallegly bill.

Mr. GALLEGLY. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The SPEAKER pro tempore. (Mr. CHAMBLISS). The gentleman from Georgia [Mr. GINGRICH] is recognized for 2¼ minutes.

Mr. GINGRICH. Mr. Speaker, this is, I think, actually a very simple issue. First of all, I commend the gentleman from California for listening carefully to the country and revising this. Members need to understand, any student enrolled in this school year is grandfathered until they graduate from high school. So there is not a question about kicking anybody out.

There are two core questions here: The first is, prospectively for the future, should we be saying across the planet, come to America illegally and you are guaranteed the taxpayers will provide the social services at the expense of legal immigration and at the expense of children of Americans? That is what is happening.

What is happening today in California is that 51,000 teachers are being used up by an unfunded Federal mandate. We are taking teachers, classrooms and computers away from legal immigrants in California and away from the children of Americans and we are transferring it to people from families that are here illegally.

We lock in everybody to make sure that nobody has any question. The child in school during this school year is grandfathered until they graduate from high school. But we say for the future to the world, do not come to America illegally and expect that you are going to have the taxpayers of America, the legal immigrants and those who are American citizens, pay for social services other than emergency Federal care. This Congress began in 1995 by saying we would not pass unfunded mandates. That is what this is. This is a $4.5 billion a year unfunded mandate on the children of America who have to share resources because the Federal Government has failed to do its job of stopping illegal immigration.

Let me make a second point to my friends from Texas who have been speaking. Nothing in this bill requires the State of Texas to do anything. If the State of Texas wants to pay to educate illegal immigrants, that is the right of the State of Texas. But how can any Member walk on this floor, deny the citizens of California the right to implement proposition 187, without expecting California to come right back here and ask for $3 billion from the Federal Government annually to pay California for the cost of a Federal failure?

Any Member who votes no on this bill should be prepared to go back home and tell their taxpayers that they are prepared to send California $3 billion a year to pay for what the Federal Government has failed to do. I think it is just wrong to say to the taxpayers and the citizens of California and to the legal immigrants who go to California, we are going to at the Federal level require you to ignore your own proposition 187, we are going to require you to ignore the vote of 60 percent of your citizens and we are going to make you pay out of the money that ought to go to your children, while we in Washington both fail to protect the border and fail to provide the money.

This is an important bill, it is a good bill. It is a fair bill. It grandfathers the children who are in school this year but it sends the signal to the world, do not come to America and think that taxpayers of America are going to take care of you if you are here illegally. We want legal migration. We do not want illegal migration. This bill is a vote on that core premise.

Ms. GREENE of Utah. Mr. Speaker, I rise in opposition to H.R. 4134, the bill to deny public education to illegal immigrant children.

Earlier today, I voted for the immigration reform bill, H.R. 2202, because it makes many important improvements to our immigration system by stepping up efforts to enforce current immigration laws, taking stronger steps to promote greater self-reliance among immigrants, and holding sponsors financially responsible for persons that they sponsor to migrate to the United States.

I am particularly pleased that H.R. 2202 included an amendment I offered that encourages the Immigration and Naturalization Service to focus more resources on detecting, apprehending, and deporting illegal aliens that are involved in criminal activity, such as drug trafficking. This provision will help ensure that the INS commits enough resources to communities such as mine to combat drug trafficking by illegal aliens.

However, while I support immigration reform, I strongly oppose denying education to immigrant children. Educating the children in our communities is, in my view, as important as protecting them from physical harm. We would not stand by and allow someone to physically abuse a child who was in our country illegally. Neither should we stand by while these children pass their formative years in increasing ignorance. We should not penalize innocent children for the illegal actions of their parents, and for the failure of the U.S. Government to control our borders.

I recognize that many States are carrying a significant financial burden to educate these children. That is why I believe we must focus more efforts and resources on enforcing our borders to stop illegal immigrants from coming to this country in the first place, and improve enforcement of immigration laws to ensure that people who initially come to this country

legally do not overstay their visa. For too many years, the Federal Government has failed to enforce our immigration laws, and we are paying the price for that inaction. Consequently, I believe that the Federal Government should fully reimburse the States for the costs incurred for educating illegal alien children.

I appreciate the efforts made by the gentleman from California to address the negative consequences of illegal immigration. However, I strongly oppose efforts to banish any children from the classroom, regardless of whether they are in this country legally. I encourage my colleagues to vote against H.R. 4134. However, should Congress pass this bill and the President sign it into law, I urge my State of Utah in the strongest terms to continue to provide a free quality education to all of our State's children.

Ms. HARMAN. Mr. Speaker, earlier today, I saluted the bipartisan leadership of my California colleague, ELTON GALLEGLY, and joined a majority of my colleagues in voting for tough measures to combat illegal immigration. We voted to increase control of our borders by doubling the size of the Border Patrol, to remove employment opportunities for undocumented workers, and to strengthen anticounterfeiting laws so employers can conduct fair and even-handed checks of legal status.

Mr. Speaker, the bill before us now, to allow the States to deny public education to the children of illegal immigrants, is bad public policy. As the Torrance Daily Breeze editorializes:

. . . the Gallegly amendment is plainly abhorrent. To begin with, it would do absolutely nothing to counter illegal immigration. Far worse, it would create by deliberate design a growing underclass of illiterate young people denied the opportunity to learn English, much less acquire the basic education required to get a job one day and support themselves.

Nearly every major law enforcement organization opposes this bill. They know its enactment will worsen our crime rate. Chief Tim Grimmond of the El Segundo Police told me that kicking kids out of school ''doesn't mean the families will pack up and leave * * * it will leave us with kids who have nothing to do except get into trouble.''

Mr. Speaker, illegal immigration violates one of our fundamental values: that all of us have to live and work by the same set of rules. We should punish those who break our laws—the parents. As Chief Gary Johansen of the Palos Verdes Estates Police Department told me, the bill's focus on schoolchildren is ''simply a bad idea.''

I urge its defeat.

[From the Daily Breeze, Sept. 20, 1996]

IMMIGRATION BILL IN U.S. INTEREST

ENCOURAGING SIGNS FROM CAPITOL

There are encouraging signs on Capitol Hill that Republican leaders finally are coming to their senses on immigration reform by scuttling the repugnant Gallegly amendment.

The sooner, the better.

Authored by Rep. Elton Gallegly, R-Simi Valley, the provision is the biggest roadblock to passage of a sweeping immigration bill that is critically important to California. The amendment would allow states to kick an estimated 700,000 illegal-immigrant children out of public classrooms, leaving them idle on street corners and in other crime-prone situations.

As public policy, the Gallegly amendment is plainly abhorrent. To begin with, it would do absolutely nothing to counter illegal immigration. Far worse, it would create by deliberate design a growing underclass of illiterate young people denied the opportunity to learn English, much less acquire the basic education required to get a job one day and support themselves.

The disastrous social implications of the House-passed amendment are clear to a majority of senators, including a dozen Republicans, who have announced their opposition to it. Consequently, the immigration bill will not get out of Congress unless the school provision is stripped from it.

Some GOP lawmakers would rather let the bill die than give President Clinton an opportunity to sign a measure that is popular in vote-rich California. But Senate Republican leader Trent Lott suggested Wednesday it would not be ''in the best interest of the country'' to kill the measure over the Gallegy amendment. He's right.

Republicans who control a House-Senate conference committee on the bill should jettison the education provision and get the measure to the president's desk before they adjourn for the election. Among other badly needed reforms, the legislation would double the size of the U.S. Border Patrol, stiffen penalties for document fraud and alien smuggling, and make it easier for employers to verify that prospective workers are legal.

Also Wednesday, there were rumblings on Capitol Hill that Clinton might veto the bill even if the Gallegly amendment is removed. Several liberal Democrats are raising objections to other elements of the bill and urging a veto.

Vetoing this landmark legislation would be not only bad public policy but also politically stupid for the White House. California needs this sweeping reform measure—providing the punitive Gallegly amendment is discarded.

Mr. KOLBE. Mr. Speaker, I rise in support of H.R. 4134. Congressman GALLEGLY has raised a very important issue that Congress has too long ignored: who is responsible for educating children who illegally reside in our country? But, the bill still raises some issues that, if never addressed, could be counterproductive. I will discuss those in a moment.

The real issue at hand is that illegal immigration imposes a giant unfunded mandate on States and local school districts. Failure to stem illegal immigration is a failure of the Federal Government. But the consequences of failure are paid by State and local governments. Teachers and administrators in Tucson's public schools have told me that as many as 40 percent of pupils in certain schools are illegal immigrants. California estimates the annual cost of educating illegal immigrants in that State alone at $1.8 billion. I'm sure State legislatures and school boards impacted by illegal immigration could find better uses for their taxpayers' hard earned dollars than spending money to educate kids here illegally.

Now this bill will not throw any kids out of school immediately, and some States may choose never to avail themselves of its provisions. Rather, this bill allows States to decide for themselves whether to provide free public education benefits to illegal immigrants who are not already enrolled in public schools. Further, it allows illegal immigrants already in the school system to receive a free public education through the highest grade in their current school level—although only if they remain within the same school district.

To the bill's credit, it does not force the States to adopt a particular course. States could choose to continue to educate illegal immigrants for free, charge them nonresident tuition—but not deny them an education.

However, we must work to ensure that some of the unanswered questions in H.R. 4134 are resolved. For example, will school districts be required to notify the Immigration and Naturalization Service about students and their families who are illegally in the United States—effectively making school districts into immigration police? What are the legal consequences if they do? Or if they don't? Will there be a uniform way that citizenship is determined for elementary students in each State? How about secondary students where it may not be common to give proof of birth to enroll? How will schools deal with fraudulent documentation and will they be held liable for admitting students with false identification? Will there be a different standard for special needs children? I stand ready and willing to work with my colleagues and with our Nation's State and local officials to resolve these issues that cannot be ignored.

I would add that ideally, the immigration and national interest bill which the House just passed and which I hope President Clinton will sign, should render H.R. 4134 unnecessary. It takes some big steps to address the problem of illegal immigration by keeping illegal immigrants and their families out of the United States—not by surrendering the battle at our borders and moving enforcement to the classrooms of America.

Mr. LAZIO of New York. Mr. Speaker, I rise today in support of H.R. 4134, a bill that would merely allow the States to decide, rather than the Federal Government, whether to provide a free public education, deny public education, or charge tuition to illegal aliens. This does not apply to illegal aliens currently enrolled, or those who enroll prior to July 1, 1997.

I support this legislation despite my personal reservations regarding the wisdom of denying public education to illegal immigrants. Some argue that this is not the best approach to combating illegal immigration, and that denying education to illegal immigrant children will in the long run have the unintended consequence of perpetuating the influx of an illegal immigrant underclass within our society. I have been assured by New York Governor George Pataki that New York will continue to choose to provide a free public education to illegal immigrant children.

But what is really at issue here is who should decide whether a State educates illegal aliens within its State borders, the States, or the Federal Government. The public education of illegal immigrants is a tremendous unfunded mandate on the States. Public education has traditionally been within the purview of the States. States should have the power to decide what is best for their State educational systems, rather than have the Federal Government determine this for them.

In an area where the existence of the 10th amendment to our Constitution is being rediscovered, it is about time we trust our State legislatures and Governors and allow them to do their jobs. State capitals are closer than Washington, DC, to the problems that exist within their respective States, and I would suggest that they are in a better position to find the solutions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong opposition to H.R. 4134.

This bill would allow States to deny public education to children whose only crime is that their parents came to this country illegally.

Mr. Speaker, there is a reason that this terrible provision was left out of the conference report on H.R. 2202, in fact there are several. Barring children from public schools will pose a serious burden on the community and create safety hazards. Many of these children will be left with nothing to do during the school hours, posing a danger to themselves and others. It will be more difficult for parents to keep their children safe and out of mischief. Are we suggesting that organized gang activity is better than organized public education?

This bill will create added burdens for schools. Teachers and educators are nearly unanimous in opposition to changing their mission from education to border enforcement. The Federal Government should not force its responsibility to enforce immigration laws onto our already overburdened schools.

In addition, excluding children from public schools will be costly in the long run. Keeping children out of our schools will not magically transport them elsewhere. This bill threatens to create a class of persons within our communities who have grown up in this country permanently hobbled by lack of formal education. Moreover, denial of elementary education is likely to scar a child's ability to perform the most basic public responsibilities and to contribute fully to society at large. It is for this reason that, in the United States, education is compulsory, and it is a crime for a parent or guardian to keep his or her children out of school. For the same reason, elementary education has been officially recognized as a fundamental human right, explicitly affirmed in the United Nations Universal Declaration of Human Rights, of which the United States is a signatory.

Finally, the most logical reason of all to vote against this bill is that it will not impact illegal immigration. Kicking little children out of school is not one of them. This measure does nothing to cure illegal immigration. If some States have a greater need for assistance than others, then the Federal Government can provide monetary assistance. Don't stand at the schoolhouse door to stop children from being educated.

I urge all my colleagues to avoid making scapegoats of innocent children under the guise of immigration reform—vote against H.R. 4134.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to oppose H.R. 4134 on behalf of a generation of children who will be left to twist in the wind because they have been denied an elementary education.

I agree that measures should be taken to discourage and prevent undocumented individuals from entering our country. I will not support, however, any meanspirited, punitive attempts to secure our borders that will devastate numbers of children because of the sins of their parents.

Are we as a body going to reduce ourselves to mistreating little children because we are angry that their parents have not complied with our laws? The obvious recourse would be to punish their parents or proactively prevent them from immigrating here unlawfully. What good will it do to ban their children from attending public school? In the long run, it is the children of American citizens that will also be punished, because they will be forced to deal with the tragedy of a population of uneducated immigrants.

It sickens me to think of the discrimination that will inevitably result as parents will be forced to prove that there children are indeed legal. Unfortunately, those children who look foreign will be forced to prove that they are, in fact, Americans. Be assured that the children whose ancestors are Irish, or British or Dutch or French won't be asked to prove their legality—they can easily pass as American.

Since the Civil Rights Act of 1964 was implemented, we have made enormous strides in our quest for an egalitarian society. This bill will only take us back to a dark period in our Nation—one in which those who looked different from the majority were treated as second-class citizens.

What good will it do us to leave a generation of children—most of whom were born here and are American citizens—uneducated, unskilled, and downright hopeless? In an era when we are intent on reducing crime, cutting Government spending and helping American families strive for a better living standard, relegating thousands of children to a lifetime of virtual poverty as a consequence of their lack of education is morally reprehensible, politically irresponsible and fiscally imprudent.

Need I remind my colleagues of the numbers of organizations, including every major law enforcement organization in the United States are opposed to this measure. They recognize that putting thousands of kids on the streets will not decrease illegal immigration but only promote crime, gangs and drugs and place enormous strains on the cities and countries that will be forced to deal with these problems.

I ask my colleagues, Will you feed, clothe, house and offer work to this generation of uneducated adults? Certainly my colleagues on the other side of the aisle have not fully ingested the ramifications of this potentially devastating legislation. I urge my colleagues to vote against H.R. 4134.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this legislation granting States the option to deny public education to undocumented alien children. This provision is strongly opposed by the Fraternal Order of Police and the vast majority of law enforcement organizations because it will kick children out onto the streets, where they are likely to become victims of—or parties to—crime.

As a matter of fact this bill represents yet another in a long series of Republican proposals which are weak on crime—from trying to repeal the assault weapons ban, to trying to repeal 100,000 cops on the beat, failing to ban cop-killer bullets, opposing extending the Brady bill to apply to domestic violence, and failing to get tough on terrorists by placing taggants in explosive materials or giving law enforcement the investigative tools they need.

The Republicans have a miserable record on crime, and this bill would only make it worse by making our street more dangerous.

It's an insult to this body that we are voting on this measure. If the House approves it, it will likely die in the Senate. Even if it doesn't, it faces certain Presidential veto.

The only reason we are considering the bill is pure politics. Republicans are trying to inject this divisive issue into the Presidential election. Well in the closing days of this Congress we have far better things to do than spend our time on partisan political issues which are going nowhere.

No matter how the Republicans try to repackage it, the bill will have the same dangerous consequences as the original proposal. This bill remains a mean-spirited attempt to punish children for the actions of their parents. Any money the States save from denying education benefits will be spent on the increased costs of crime.

In addition to being bad policy, the bill is unconstitutional. When Texas and California adopted similar provisions they were held to be unconstitutional denials of equal protection. If we enact the same policy at the Federal level it's still going to be unconstitutional.

This bill is tough on innocent children, and is just as bad as the provision we dropped from the conference which was opposed by Democrats and Republicans alike. I urge the Members to vote no.

The SPEAKER pro tempore. Pursuant to House Resolution 530, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ''ayes'' appeared to have it.

Mr. GALLEGLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 175, not voting 5, as follows:

[Roll No. 433]

YEAS—254

Allard	Chenoweth	Forbes
Archer	Christensen	Ford
Armey	Chrysler	Fowler
Bachus	Clement	Fox
Baker (CA)	Clinger	Franks (CT)
Baker (LA)	Coble	Franks (NJ)
Ballenger	Coburn	Frelinghuysen
Barr	Collins (GA)	Frisa
Barrett (NE)	Combest	Funderburk
Bartlett	Condit	Gallegly
Bass	Cooley	Ganske
Bateman	Costello	Gekas
Bereuter	Cox	Geren
Bevill	Cramer	Gilchrest
Bilbray	Crane	Gillmor
Bilirakis	Crapo	Gingrich
Bishop	Cremeans	Goodlatte
Bliley	Cubin	Goodling
Blute	Cunningham	Gordon
Boehlert	Danner	Goss
Boehner	Davis	Graham
Bonilla	Deal	Greenwood
Bono	DeLay	Gutknecht
Brewster	Deutsch	Hall (OH)
Browder	Dickey	Hall (TX)
Brownback	Doolittle	Hamilton
Bryant (TN)	Dornan	Hancock
Bunning	Doyle	Hansen
Burr	Dreier	Hastert
Burton	Duncan	Hastings (WA)
Buyer	Dunn	Hayes
Callahan	Ehlers	Hayworth
Calvert	Ehrlich	Hefley
Camp	Ensign	Herger
Canady	Everett	Hilleary
Cardin	Ewing	Hobson
Castle	Fields (TX)	Hoekstra
Chabot	Flanagan	Hoke
Chambliss	Foley	Holden

Horn	McKeon	Shaw
Hostettler	Metcalf	Shays
Houghton	Meyers	Shuster
Hunter	Mica	Sisisky
Hutchinson	Miller (FL)	Skeen
Hyde	Minge	Skelton
Inglis	Montgomery	Smith (MI)
Istook	Moorhead	Smith (NJ)
Jacobs	Myers	Smith (TX)
Johnson (SD)	Myrick	Smith (WA)
Johnson, Sam	Nethercutt	Solomon
Jones	Neumann	Spence
Kaptur	Ney	Stearns
Kasich	Norwood	Stenholm
Kelly	Nussle	Stockman
Kim	Orton	Stump
King	Oxley	Talent
Kingston	Packard	Tanner
Klink	Parker	Tate
Klug	Paxon	Tauzin
Knollenberg	Petri	Taylor (MS)
Kolbe	Pickett	Taylor (NC)
LaHood	Pombo	Thomas
Largent	Porter	Thornberry
Latham	Portman	Tiahrt
LaTourette	Poshard	Torkildsen
Laughlin	Pryce	Torricelli
Lazio	Quillen	Traficant
Lewis (CA)	Radanovich	Upton
Lewis (KY)	Ramstad	Visclosky
Lightfoot	Regula	Volkmer
Linder	Riggs	Vucanovich
Lipinski	Roberts	Walker
Livingston	Roemer	Walsh
LoBiondo	Rogers	Wamp
Lucas	Rohrabacher	Watts (OK)
Manzullo	Roth	Weldon (FL)
Martini	Roukema	Weldon (PA)
Mascara	Royce	Whitfield
McCollum	Salmon	Wicker
McCrery	Saxton	Wolf
McDade	Scarborough	Young (AK)
McHale	Schaefer	Young (FL)
McHugh	Seastrand	Zeliff
McInnis	Sensenbrenner	Zimmer
McIntosh	Shadegg	

NAYS—175

Abercrombie	Fazio	McDermott
Ackerman	Fields (LA)	McKinney
Andrews	Filner	McNulty
Baesler	Flake	Meehan
Baldacci	Foglietta	Meek
Barcia	Frank (MA)	Menendez
Barrett (WI)	Frost	Millender-McDonald
Barton	Furse	Miller (CA)
Becerra	Gejdenson	Mink
Beilenson	Gephardt	Moakley
Bentsen	Gilman	Molinari
Berman	Gonzalez	Mollohan
Blumenauer	Green (TX)	Moran
Bonior	Greene (UT)	Morella
Borski	Gunderson	Murtha
Boucher	Gutierrez	Nadler
Brown (CA)	Harman	Neal
Brown (FL)	Hastings (FL)	Oberstar
Brown (OH)	Hefner	Obey
Bryant (TX)	Hilliard	Olver
Bunn	Hinchey	Ortiz
Campbell	Hoyer	Owens
Chapman	Jackson (IL)	Pallone
Clay	Jackson-Lee (TX)	Pastor
Clayton	Jefferson	Payne (NJ)
Clyburn	Johnson (CT)	Payne (VA)
Coleman	Johnson, E.B.	Pelosi
Collins (IL)	Johnston	Pomeroy
Collins (MI)	Kanjorski	Quinn
Conyers	Kennedy (MA)	Rahall
Coyne	Kennedy (RI)	Rangel
Cummings	Kennelly	Reed
de la Garza	Kildee	Richardson
DeFazio	Kleczka	Rivers
DeLauro	LaFalce	Ros-Lehtinen
Dellums	Lantos	Rose
Diaz-Balart	Leach	Roybal-Allard
Dicks	Levin	Rush
Dingell	Lewis (GA)	Sabo
Dixon	Lincoln	Sanders
Doggett	Lofgren	Sanford
Dooley	Longley	Sawyer
Durbin	Lowey	Schiff
Edwards	Luther	Schroeder
Engel	Maloney	Schumer
English	Manton	Scott
Eshoo	Markey	Serrano
Evans	Martinez	Skaggs
Farr	Matsui	Slaughter
Fattah	McCarthy	Souder
Fawell		
Spratt	Thurman	Waxman
Stark	Torres	Weller
Stokes	Towns	White
Studds	Velazquez	Williams
Stupak	Vento	Wise
Tejeda	Ward	Woolsey
Thompson	Waters	Wynn
Thornton	Watt (NC)	Yates

NOT VOTING—5

Gibbons	Peterson (FL)	Wilson
Heineman	Peterson (MN)	

☐ 1743

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1745

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LINDER. Mr. Speaker, Pursuant to clause 2, rule IX, I hereby give notice of my intention to offer a question of the privileges of the House.

Mr. Speaker, the resolution says:

Whereas, a complaint filed against Representative Gephardt alleges House Rules have been violated by Representative Gephardt's concealment of profits gained through a complex series of real estate tax exchanges and;

Whereas, the complaint also alleges possible violations of banking disclosure and campaign finance laws or regulations and;

Whereas, the Committee on Standards of Official Conduct has in other complex matters involving complaints hired outside counsel with expertise in tax laws and regulations and;

Whereas, the Committee on Standards of Official Conduct is responsible for determining whether Representative Gephardt's financial transactions violated standards of conduct or specific rules of the House of Representatives and;

Whereas, the complaint against Representative Gephardt has been pending before the committee for more than seven months.

Whereas, on Friday, September 20, 1996 the ranking Democrat of the Ethics Committee, Representative James McDermott in a public statement suggested that cases pending before the committee in excess of 60 days be referred to an outside counsel; now be it

Resolved that the committee on Standards of Official Conduct is authorized and directed to hire a special counsel to assist in the investigation of the charges filed against the Democrat Leader Representative Richard Gephardt.

Resolved that all relevant materials presented to, or developed by, the committee to date on the complaint be submitted to a special counsel, for review and recommendation to determine whether the committee should proceed to a preliminary inquiry.

The SPEAKER pro tempore (Mr. HANSEN). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days. The Chair will announce that designation at a later time.

A determination as to whether the resolution constitutes a question of privilege will be made at that later time.

ANNOUNCEMENT OF ADDITIONAL BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. NETHERCUTT. Mr. Speaker, pursuant to House Resolution 525, I announce the following suspension to be considered today: H.R. 4167, the Professional Boxing Safety Act.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 3559

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent to delete the following Members as cosponsors of H.R. 3559: Messrs. TRAFICANT, EHLERS, MCINTOSH, Ms. DUNN of Washington, Mrs. CHENOWETH, and Mr. MCHUGH.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. MASCARA. Mr. Speaker, the President was in my district this morning for an event at Robert Morris College. He gave a great address and received a very warm welcome from the people of the 20th District of Pennsylvania.

However, as a result, I was detained in my district and missed several votes. If I had been here, I would have voted ''no'' on the rule for the immigration conference report, rollcall No. 430, ''yes'' on the motion to recommit, rollcall No. 431, and ''yes'' on passage, rollcall No. 432.

CONFERENCE REPORT ON H.R. 2977, ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. FLANAGAN (during consideration of H.R. 3852) submitted the following conference report and statement on the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–841)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2977), to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Administrative Dispute Resolution Act of 1996''.

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking '', in lieu of an adjudication as defined in section 551(7) of this title,'';

(B) by striking ''settlement negotiations,''; and

(C) by striking ''and arbitration'' and inserting ''arbitration, and use of ombuds''; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking ''decision,'' and inserting ''decision;''; and

(B) by striking the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Subsections (a) and (b) of section 574 of title 5, United States Code, are each amended in the matter before paragraph (1) by striking ''any information concerning''.

(b) DISPUTE RESOLUTION COMMUNICATION.—Section 574(b)(7) of title 5, United States Code, is amended to read as follows:

''(7) except for dispute resolution communications generated by the neutral, the dispute resolution communication was provided to or was available to all parties to the dispute resolution proceeding.''.

(c) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end thereof the following new paragraph:

''(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.''.

(d) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574 of title 5, United States Code, is amended by amending subsection (j) to read as follows:

''(j) A dispute resolution communication which is between a neutral and a party and which may not be disclosed under this section shall also be exempt from disclosure under section 552(b)(3).''.

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 571 note; Public Law 101–552; 104 Stat. 2736) is amended to read as follows:

''(1) consult with the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code, to facilitate and encourage agency use of alternative dispute resolution under subchapter IV of chapter 5 of such title; and''.

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking ''the Administrative Conference of the United States and other agencies'' and inserting ''the agency designated by, or the interagency committee designated or established by, the President under section 573 of title 5, United States Code,''.

SEC. 5. AMENDMENTS TO SUPPORT SERVICES PROVISION.

Section 583 of title 5, United States Code, is amended by inserting ''State, local, and tribal governments,'' after ''other Federal agencies,''.

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking the second sentence and inserting: ''The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law.''; and

(2) in subsection (e) by striking the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking ''agency, or'' and inserting ''agency, or to procure the services of an expert or neutral for use''.

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by striking ''agency, or'' and inserting ''agency, or to procure the services of an expert or neutral for use''.

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

''(c) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of dispute resolution under this subchapter. Such agency or interagency committee, in consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, shall—

''(1) encourage and facilitate agency use of alternative means of dispute resolution; and

''(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis.''; and

(2) in subsection (e) by striking ''on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual''.

SEC. 8. ARBITRATION AWARDS AND JUDICIAL REVIEW.

(a) ARBITRATION AWARDS.—Section 580 of title 5, United States Code, is amended—

(1) by striking subsections (c), (f), and (g); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) JUDICIAL AWARDS.—Section 581(d) of title 5, United States Code, is amended—

(1) by striking ''(1)'' after ''(b)''; and

(2) by striking paragraph (2).

(c) AUTHORIZATION OF ARBITRATION.—Section 575 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking ''Any'' and inserting ''The'';

(2) in subsection (a)(2), by adding at the end the following: ''Each such arbitration agreement shall specify a maximum award that may be issued by the arbitrator and may specify other conditions limiting the range of possible outcomes.'';

(3) in subsection (b)—

(A) by striking ''may offer to use arbitration for the resolution of issues in controversy, if'' and inserting ''shall not offer to use arbitration for the resolution of issues in controversy unless''; and

(B) by striking in paragraph (1) ''has authority'' and inserting ''would otherwise have authority''; and

(4) by adding at the end the following:

''(c) Prior to using binding arbitration under this subchapter, the head of an agency, in consultation with the Attorney General and after taking into account the factors in section 572(b), shall issue guidance on the appropriate use of binding arbitration and when an officer or employee of the agency has authority to settle an issue in controversy through binding arbitration.''.

SEC. 9. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101–552; 104 Stat. 2747; 5 U.S.C. 571 note) is amended by striking section 11.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter IV of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 584. Authorization of appropriations

''There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

''584. Authorization of appropriations.''.

SEC. 11. REAUTHORIZATION OF NEGOTIATED RULEMAKING ACT OF 1990.

(a) PERMANENT REAUTHORIZATION.—Section 5 of the Negotiated Rulemaking Act of 1990 (Public Law 101–648; 5 U.S.C. 561 note) is repealed.

(b) CLOSURE OF ADMINISTRATIVE CONFERENCE.—

(1) IN GENERAL.—Section 569 of title 5, United States Code, is amended—

(A) by amending the section heading to read as follows:

''§ 569. Encouraging negotiated rulemaking''; *and*

(B) by striking subsections (a) through (g) and inserting the following:

''(a) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of negotiated rulemaking. An agency that is considering, planning, or conducting a negotiated rulemaking may consult with such agency or committee for information and assistance.

''(b) To carry out the purposes of this subchapter, an agency planning or conducting a negotiated rulemaking may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal if that agency's acceptance and use of such gifts, devises, or bequests do not create a conflict of interest. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the head of such agency. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 569 and inserting the following:

''569. Encouraging negotiated rulemaking.''.

(c) EXPEDITED HIRING OF CONVENORS AND FACILITATORS.—

(1) DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by inserting ''or negotiated rulemaking'' after ''alternative dispute resolution''.

(2) FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by inserting ''or negotiated rulemaking'' after ''alternative dispute resolution''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subchapter III of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 570a. Authorization of appropriations

''There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 570 the following:

''570a. Authorization of appropriations.''.

(e) NEGOTIATED RULEMAKING COMMITTEES.—The Director of the Office of Management and Budget shall—

(1) within 180 days of the date of the enactment of this Act, take appropriate action to expedite the establishment of negotiated rulemaking committees and committees established to resolve disputes under the Administrative Dispute Resolution Act, including, with respect to negotiated rulemaking committees, eliminating any redundant administrative requirements related to filing a committee charter under section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) and providing public notice of such committee under section 564 of title 5, United States Code; and

(2) within one year of the date of the enactment of this Act, submit recommendations to Congress for any necessary legislative changes.

SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS: PROCUREMENT PROTESTS.

(a) PROCUREMENT PROTESTS.—

(1) TERMINATION OF JURISDICTION OF DISTRICT COURTS.—Section 1491 of title 28, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (d) and by striking ''(d)'' and inserting ''(d) EXCLUSIVE JURISDICTION OF OTHER TRIBUNALS.—'';

(B) in subsection (a)—

(i) by striking ''(a)(1)'' and inserting ''(a) CLAIMS AGAINST THE UNITED STATES.—'';

(ii) in paragraph (2), by striking ''(2) To'' and inserting ''(b) REMEDY AND RELIEF.—To''; and

(iii) by striking paragraph (3); and

(C) by inserting after subsection (b), as designated by paragraph (1)(B)(ii), the following new subsection (c):

''(c) PROCUREMENT PROTESTS.—(1) The United States Court of Federal Claims has exclusive jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for procurements or proposals for a proposed contract or to a proposed award or the award of a contract. The court has jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

''(2) To afford relief in such an action, the court may award any relief that the court considers proper, including declaratory and injunctive relief.

''(3) In exercising jurisdiction under this subsection, the court shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

''(4) In any action under this subsection, the court shall review the agency's decision pursuant to the standards set forth in section 706 of title 5, United States Code.''.

(2) CLERICAL AMENDMENTS.—

*(A) SECTION HEADING.—The heading of such section is amended by inserting ''**procurement protests;**'' after ''**generally;**''.*

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 91 of title 28, United States Code, is amended by striking the item relating to section 1491 and inserting the following:

''1491. Claims against United States generally; procurement protests; actions involving Tennessee Valley Authority.''.

(b) NONEXCLUSIVITY OF GAO REMEDIES.—Section 3556 of title 31, United States Code, is amended by striking ''a district court of the United States or'' in the first sentence.

(c) SAVINGS PROVISIONS.—

(1) ORDERS.—The amendments made by this section shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on the day before the effective date of this section. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) The amendments made by this section shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on the day before the effective date of this section.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this section had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 1996.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

HENRY HYDE,
GEORGE W. GEKAS,
MICHAEL PATRICK FLANAGAN,
JOHN CONYERS, JR.,
JACK REED,
Managers on the Part of the House.

TED STEVENS,
BILL COHEN,
CHUCK GRASSLEY,
JOHN GLENN,
CARL LEVIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104–597 and Senate Report 104–245. To the extent not otherwise inconsistent with the conference agreement, those reports give expression to the intent of the conferees.

Section 3—House recedes to Senate amendment with modifications. This section clarifies that, under 5 U.S.C. section 574, a dispute resolution communication between a party and a neutral or a neutral and a party that meets the requirements for confidentiality in section 574 is also exempt from disclosure under FOIA. In addition, a dispute resolution communication originating from a neutral and provided to all of the parties, such as Early Neutral Evaluation, is protected from discovery under 574(b)(7) and from disclosure under FOIA. A dispute resolution communication originating from a party to a party or parties is not protected from disclosure by the ADR Act.

The Managers recognize that the intent of the Conference Agreement not to exempt from disclosure under FOIA a dispute resolution communication given by one party to another party could be easily thwarted if a neutral in receipt of a dispute resolution communication agrees with a party to in turn pass the communication on to another party. It is the intent of the Managers that if the neutral attempts to circumvent the prohibitions of the ADR Act in this manner, the exemption from FOIA would not apply.

As with all other FOIA exemptions, the exemption created by section 574(j) is to be construed narrowly. The Managers would not expect the parties to use the new exemption as a mere sham to exempt information from FOIA. Thus, for example, we would not expect litigants to resort to ADR principally as a means of taking advantage of the new exemption. In such a case the new exemption would not apply.

Section 7—Senate recedes to House with a modification. This section requires the President to designate an agency or to designate or establish an interagency committee to facilitate and encourage the use of alternative dispute resolution. The Managers encourage the President to designate the same entity under this provision as is designated under section 11 (regarding Negotiated Rulemaking). This would promote the coordination of policies, enhance institutional memory on the relevant issues, and make more efficient the use of ADR and Negotiated Rulemaking.

Section 8—House recedes to Senate amendment with modifications. This section permits the use of binding arbitration under certain conditions, and clarifies that an agency cannot exceed its otherwise applicable settlement authority in alternative dispute resolution proceedings.

The head of an agency that is a party to an arbitration proceeding will no longer have the authority to terminate the proceeding or vacate any award under 5 U.S.C. section 580. However, it is the Managers' intent that an arbitrator shall not grant an award that is inconsistent with law. In addition, prior to the use of binding arbitration, the head of each agency, in consultation with the Attorney General, must issue guidelines on the use and limitations of binding arbitration.

Section 11—House recedes to Senate amendment with modifications. This section permanently reauthorizes the Negotiated Rulemaking Act of 1990. The President is required to designate an agency or interagency committee to facilitate and encourage the use of negotiated rulemaking.

In addition, this section requires the Director of the Office of Management and Budget to take action to expedite the establishment of negotiated rulemaking committees and committees to resolve disputes under the Administrative Dispute Resolution Act. It is the understanding of the Managers that the Federal Advisory Committee Act (FACA) applies to proceedings under the Negotiated Rulemaking Act, but does not apply to proceedings under the Administrative Dispute Resolution Act. The Director also is required to submit recommendations to Congress for any necessary legislative changes within one year after enactment.

The Managers deleted language in paragraph (b)(1)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Secton 12—House recedes to Senate amendment with modifications. This section consolidates federal court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The grant of exclusive federal court jurisdiction to the Court of Federal Claims does not affect in any way the authority of the Comptroller General to review procurement protests pursuant to Chapter 35 of Title 31, U.S. Code.

This section also applies the Administrative Procedure Act standard of review previously applied by the district courts (5 U.S.C. sec. 706) to all procurement protest cases in the Court of Federal Claims. It is the intention of the Managers to give the Court of Federal Claims exclusive jurisdiction over the full range of procurement protest cases previously subject to review in the federal district courts and the Court of Federal Claims. This section is not intended to affect the jurisdiction or standards applied by the Court of Federal Claims in any other area of the law.

HENRY HYDE,
GEORGE W. GEKAS,
MICHAEL PATRICK FLANAGAN,
JOHN CONYERS, JR.,
JACK REED,
Managers on the Part of the House.

TED STEVENS,
BILL COHEN,
CHUCK GRASSLEY,
JOHN GLENN,
CARL LEE,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3852) to prevent the illegal manufacturing and use of methamphetamine, as amended.

The Clerk read as follows:

H.R. 3852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Methamphetamine Control Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS
Sec. 101. Support for international efforts to control drugs.
Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.
TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE
Sec. 201. Seizure and forfeiture of regulated chemicals.
Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.
Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.
Sec. 204. Addition of iodine and hydrochloric gas to list II.
Sec. 205. Civil penalties for firms that supply precursor chemicals.
Sec. 206. Injunctive relief.
Sec. 207. Restitution for cleanup of clandestine laboratory sites.
Sec. 208. Record retention.
Sec. 209. Technical amendments.
Sec. 210. Withdrawal of regulations.
TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS
Sec. 301. Trafficking in methamphetamine penalty increases.
Sec. 302. Penalty increases for trafficking in listed chemicals.
Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.
TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS
Sec. 401. Diversion of certain precursor chemicals.
Sec. 402. Mail order restrictions.
TITLE V—EDUCATION AND RESEARCH
Sec. 501. Interagency methamphetamine task force.
Sec. 502. Public health monitoring.
Sec. 503. Public-private education program.
Sec. 504. Suspicious orders task force.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

SEC. 101. SUPPORT FOR INTERNATIONAL EFFORTS TO CONTROL DRUGS.

The Attorney General, in consultation with the Secretary of State, shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

SEC. 102. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) UNLAWFUL IMPORTATION.—Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended—

(1) in the matter before paragraph (1), by inserting ''or listed chemical'' after ''schedule I or II''; and

(2) in paragraphs (1) and (2), by inserting ''or chemical'' after ''substance''.

(b) UNLAWFUL MANUFACTURE OR DISTRIBUTION.—Paragraphs (1) and (2) of section 1009(b) of the Controlled Substances Import and Export Act (21 U.S.C. 959(b)) are amended by inserting ''or listed chemical'' after ''controlled substance''.

(c) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the comma at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title.''.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) PENALTIES FOR SIMPLE POSSESSION.—Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: ''It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration.''; and

(B) by striking ''drug or narcotic'' and inserting ''drug, narcotic, or chemical'' each place it appears; and

(2) in subsection (c), by striking ''drug or narcotic'' and inserting ''drug, narcotic, or chemical''.

(b) FORFEITURES.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraphs (2) and (6), by inserting ''or listed chemical'' after ''controlled substance'' each place it appears; and

(2) in paragraph (9), by—

(A) inserting ''dispensed, acquired,'' after ''distributed,'' both places it appears; and

(B) striking ''a felony provision of''.

(c) SEIZURE.—Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting ''or listed chemical'' after ''controlled substance''; and

(2) by amending subsection (b) to read as follows:

''(b) As used in this section, the terms 'controlled substance' and 'listed chemical' have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) STUDY.—The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall preclude the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) REPORT.—Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) CONSIDERATIONS.—In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legal

purposes, and the impact any regulations may have on these purposes; and

(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and the consumers of such chemicals for legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFACTURE AND POSSESSION OF EQUIPMENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking ''(d) Any person'' and inserting ''(d)(1) Except as provided in paragraph (2), any person''; and

(2) by adding at the end the following:

''(2) Any person who violates paragraph (6) or (7) of subsection (a), if the controlled substance is methamphetamine, shall be sentenced to a term of imprisonment of not more than 10 years, a fine under title 18, United States Code, or both; except that if any person commits such a violation after one or more prior convictions of that person—

''(A) for a violation of paragraph (6) or (7) of subsection (a);

''(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or

''(C) under any other law of the United States or any State relating to controlled substances or listed chemicals,

has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine under title 18, United States Code, or both.''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in violation of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is adequately punished.

(c) TECHNICAL AMENDMENT.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking ''of not more than $30,000'' and inserting ''under title 18, United States Code''; and

(2) by striking ''of not more than $60,000'' and inserting ''under title 18, United States Code''.

SEC. 204. ADDITION OF IODINE AND HYDROCHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by adding the end the following:

''(I) Iodine.

''(J) Hydrochloric gas.''.

(b) IMPORTATION AND EXPORTATION REQUIREMENTS.—(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSES.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (9), by striking ''or'' after the semicolon;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put.

As used in paragraph (11), the term 'laboratory supply' means a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.''.

(b) CIVIL PENALTY.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by adding at the end the following:

''(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than $250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than $250,000 or double the last previously imposed penalty, whichever is greater.''.

SEC. 206. INJUNCTIVE RELIEF.

(a) TEN-YEAR INJUNCTION MAJOR OFFENSES.—Section 401(f) of the Controlled Substances Act (21 U.S.C. 841(f)) is amended by—

(1) inserting ''manufacture, exportation,'' after ''distribution,''; and

(2) striking ''regulated''.

(b) TEN-YEAR INJUNCTION OTHER OFFENSES.—Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) in subsection (e), by—

(A) inserting ''manufacture, exportation,'' after ''distribution,''; and

(B) striking ''regulated''; and

(2) by adding at the end the following:

''(f) INJUNCTIONS.—(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate declaratory or injunctive relief relating to violations of this section or section 402.

''(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business.

''(3) Any order or judgment issued by the court pursuant to this subsection shall be tailored to restrain violations of this section or section 402.

''(4) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.''.

SEC. 207. RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORY SITES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

''(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of methamphetamine, may—

''(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

''(2) order the defendant to reimburse the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and

''(3) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.''.

SEC. 208. RECORD RETENTION.

Section 310(a)(1) of the Controlled Substances Act (21 U.S.C. 830(a)(1)) is amended by striking the dash after ''transaction'' and subparagraphs (A) and (B) and inserting ''for two years after the date of the transaction.''.

SEC. 209. TECHNICAL AMENDMENTS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34), by amending subparagraphs (P), (S), and (U) to read as follows:

''(P) Isosafrole.

''(S) N-Methylephedrine.

''(U) Hydriodic acid.''; and

(2) in paragraph (35), by amending subparagraph (G) to read as follows:

''(G) 2-Butanone (or Methyl Ethyl Ketone).''.

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register on August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

SEC. 301. TRAFFICKING IN METHAMPHETAMINE PENALTY INCREASES.

(a) CONTROLLED SUBSTANCES ACT.—

(1) LARGE AMOUNTS.—Section 401(b)(1)(A)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(viii)) is amended by—

(A) striking ''100 grams or more of methamphetamine,'' and inserting ''50 grams or more of methamphetamine,''; and

(B) striking ''1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine'' and inserting ''500 grams or more of a mixture or substance containing a detectable amount of methamphetamine''.

(2) SMALLER AMOUNTS.—Section 401(b)(1)(B)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(viii)) is amended by—

(A) striking ''10 grams or more of methamphetamine,'' and inserting ''5 grams or more of methamphetamine,''; and

(B) striking ''100 grams or more of a mixture or substance containing a detectable amount of methamphetamine'' and inserting ''50 grams or more of a mixture or substance containing a detectable amount of methamphetamine''.

(b) IMPORT AND EXPORT ACT.—

(1) LARGE AMOUNTS.—Section 1010(b)(1)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(H)) is amended by—

(A) striking ''100 grams or more of methamphetamine,'' and inserting ''50 grams or more of methamphetamine,''; and

(B) striking ''1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine'' and inserting ''500 grams or more of a mixture or substance containing a detectable amount of methamphetamine''.

(2) SMALLER AMOUNTS.—Section 1010(b)(2)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)(H)) is amended by—

(A) striking ''10 grams or more of methamphetamine,'' and inserting ''5 grams or more of methamphetamine,''; and

(B) striking ''100 grams or more of a mixture or substance containing a detectable amount of methamphetamine'' and inserting ''50 grams or more of a mixture or substance containing a detectable amount of methamphetamine''.

SEC. 302. PENALTY INCREASES FOR TRAFFICKING IN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking the period and inserting the following: ''or, with respect to a violation of paragraph (1) or (2) of this subsection involving a list I chemical, if the Government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals possessed or distributed, the penalty corresponding to the quantity of controlled substance that could have been produced under subsection (b).''.

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking the period and inserting the following: '', or, with respect to an importation violation of paragraph (1) or (3) of this subsection involving a list I chemical, if the Government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals imported, the penalty corresponding to the quantity of controlled substance that could have been produced under title II.''.

(c) DETERMINATION OF QUANTITY.—

(1) IN GENERAL.—For the purposes of this section and the amendments made by this section, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for list I chemicals.

(2) TABLE.—The table shall be—

(A) established by the United States Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission deems appropriate; and

(B) dispositive of this issue.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES: AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish an offense described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of that offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 401(d), 401(g)(1), 403(a)(6), or 403(a)(7) of the Controlled Substances Act (21 U.S.C. 841(d), 841(g)(1), 843(a)(6), and 843(a)(7)), if in the commission of the offense the defendant violated—

(1) subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (relating to handling hazardous waste in a manner inconsistent with Federal or applicable State law);

(2) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (relating to failure to notify as to the release of a reportable quantity of a hazardous substance into the environment);

(3) section 301(a), 307(d), 309(c)(2), 309(c)(3), 311(b)(3), or 311(b)(5) of the Federal Water Pollution Control Act (relating to the unlawful discharge of pollutants or hazardous substances, the operation of a source in violation of a pretreatment standard, and the failure to notify as to the release of a reportable quantity of a hazardous substance into the water); or

(4) section 5124 of title 49, United States Code (relating to violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material).

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

SEC. 401. DIVERSION OF CERTAIN PRECURSOR CHEMICALS.

(a) IN GENERAL.—Section 102(39) of the Controlled Substances Act (21 U.S.C. 802(39)) is amended—

(1) in subparagraph (A)(iv)(I)(aa), by striking ''as'' through the semicolon and inserting '', pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title;''; and

(2) in subparagraph (A)(iv)(II), by inserting '', pseudoephedrine, phenylpropanolamine,'' after ''ephedrine''.

(b) LEGITIMATE RETAILERS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (39)(A)(iv)(I)(aa), by inserting before the semicolon the following: '', except that any sale of ordinary over-the-counter pseudoephedrine, phenylpropanolamine, or combination ephedrine products by retail distributors shall not be a regulated transaction (except as provided in section 401(d) of the Comprehensive Methamphetamine Control Act of 1996)'';

(2) in paragraph (39)(A)(iv)(II), by inserting before the semicolon the following: '', except that the threshold for any sale of pseudoephedrine, phenylpropanolamine, or combination ephedrine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine, 24 grams of phenylpropanolamine, or 24 grams of ephedrine in a single transaction'';

(3) by redesignating paragraph (43) relating to felony drug offense as paragraph (44); and

(4) by adding at the end the following:

''(45) The term 'ordinary over-the-counter pseudoephedrine, phenylpropanolamine, or combination ephedrine product' means any product containing pseudoephedrine, phenylpropanolamine, or ephedrine (where the ephedrine is combined with therapeutically significant quantities of another active medicinal ingredient) that is—

''(A) regulated pursuant to this title; and

''(B)(i) except for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base, 3.0 grams of phenylpropanolamine base or 2.0 grams of ephedrine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches; and

''(ii) for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base.

''(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine, phenylpropanolamine, or combination ephedrine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

''(B) For purposes of this paragraph, sale for personal use means the sale of below-threshold quantities in a single transaction to an individual for legitimate medical use.

''(C) For purposes of this paragraph, entities are defined by reference to the Standard Industrial Classification (SIC) code, as follows:

''(i) A grocery store is an entity within SIC code 5411.

''(ii) A general merchandise store is an entity within SIC codes 5300 through 5399 and 5499.

''(iii) A drug store is an entity within SIC code 5912.

''(47) The term 'combination ephedrine product' means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.''.

(c) REINSTATEMENT OF LEGAL DRUG EXEMPTION.—Section 204 of the Controlled Substances Act (21 U.S.C. 814) is amended by adding at the end the following new subsection:

''(e) REINSTATEMENT OF EXEMPTION WITH RESPECT TO EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE DRUG PRODUCTS.—Pursuant to subsection (d)(1), the Attorney General shall by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine, or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2). Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4).''.

(d) REGULATION OF RETAIL SALES.—

(1) PSEUDOEPHEDRINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of pseudoephedrine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for pseudoephedrine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of pseudoephedrine base, the Attorney General shall determine, following notice, comment, and an informal hearing that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter pseudoephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802 (45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine base, the Attorney General shall determine, following notice, comment, and an informal hearing, that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(3) COMBINATION EPHEDRINE PRODUCTS.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of ephedrine base for retail distributors of combination ephedrine products. Notwithstanding any other provision of law, the single-transaction threshold quantity for combination ephedrine products may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of ephedrine base, the Attorney General shall determine, following notice, comment, and an informal hearing, that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter combination ephredrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of combination ephedrine products. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(4) SIGNIFICANT NUMBER OF INSTANCES.—(A) For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine, over-the-counter phenylpropanolamine, or over the counter combination ephedrine, and sold at the retail level, for the illicit manufacture of a controlled substance may not be used by the Attorney General as the basis for establishing the conditions for establishing a single transaction limit under this section.

(B) In making a determination under paragraph (1)(A)(ii), paragraph (2)(A)(ii), or paragraph (3)(A)(ii), the Attorney General shall consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits under this section.

(C) After making a determination under paragraph (1)(A)(ii), paragraph (2)(A)(ii), or paragraph (3)(A)(ii), the Attorney General shall transmit a report to the Committees on the Judiciary of the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits under this section.

(5) DEFINITION OF BUSINESS.—For purposes of this subsection, the term ''business'' means the entity that makes the direct sale and does not include the parent company of a business not involved in a direct sale regulated by this subsection.

(6) JUDICIAL REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

(e) EFFECT ON THRESHOLDS.—Nothing in the amendments made by subsection (b) or the provisions of subsection (d) shall affect the authority of the Attorney General to modify thresholds (including cumulative thresholds) for retail distributors for products other than ordinary over-the-counter pseudoephedrine, phenylpropanolamine, or combination ephedrine products (as defined in section 102(45) of the Controlled Substances Act, as added by this section) or for non-retail distributors, importers, or exporters.

(f) EFFECTIVE DATE OF THIS SECTION.—Notwithstanding any other provision of this Act, this section shall not apply to the sale of any pseudoephedrine, phenylpropanolamine, or combination ephedrine product prior to 12 months after the date of enactment of this Act.

SEC. 402. MAIL ORDER RESTRICTIONS.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended by adding at the end the following:

''(3) MAIL ORDER REPORTING.—(A) Each regulated person who engages in a transaction with a nonregulated person which—

''(i) involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and

''(ii) uses or attempts to use the Postal Service or any private or commercial carrier;

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

''(B) The data required for such reports shall include—

''(i) the name of the purchaser;

''(ii) the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and

''(iii) the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent.''.

TITLE V—EDUCATION AND RESEARCH

SEC. 501. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a ''Methamphetamine Interagency Task Force'' (referred to as the ''interagency task force'') which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair.

(2) 2 representatives selected by the Attorney General.

(3) The Secretary of Education or a designee.

(4) The Secretary of Health and Human Services or a designee.

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General.

(6) 2 representatives selected by the Secretary of Health and Human Services.

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and strategies of the Federal Government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish a ''Suspicious Orders Task

Force'' (the ''Task Force'') which shall consist of—

(1) appropriate personnel from the Drug Enforcement Administration (the ''DEA'') and other Federal, State, and local law enforcement and regulatory agencies with the experience in investigating and prosecuting illegal transactions of listed chemicals and supplies; and

(2) representatives from the chemical and pharmaceutical industry, including representatives from the DEA/Distributor Working Committee and the DEA/Pharmacy Working Committee.

(b) RESPONSIBILITIES.—The Task Force shall be responsible for developing proposals to define suspicious orders of listed chemicals, and particularly to develop quantifiable parameters which can be used by registrants in determining if an order is a suspicious order which must be reported to DEA. The quantifiable parameters to be addressed will include frequency of orders, deviations from prior orders, and size of orders. The Task Force shall also recommend provisions as to what types of payment practices or unusual business practices shall constitute prima facie suspicious orders. In evaluating the proposals, the Task Force shall consider effectiveness, cost and feasibility for industry and Government, an other relevant factors.

(c) MEETINGS.—The Task Force shall meet at least two times per year and at such other times as may be determined necessary by the Task Force.

(d) REPORT.—The Task Force shall present a report to the Attorney General on its proposals with regard to suspicious orders and the electronic reporting of suspicious orders within one year of the date of enactment of this Act. Copies of the report shall be forwarded to the Committees of the Senate and House of Representatives having jurisdiction over the regulation of listed chemical and controlled substances.

(e) FUNDING.—The administrative expenses of the Task Force shall be paid out of existing Department of Justice funds or appropriations.

(f) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the Task Force.

(g) TERMINATION.—The Task Force shall terminate upon presentation of its report to the Attorney General, or two years after the date of enactment of this Act, whichever is sooner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3852.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Comprehensive Methamphetamine Control Act of 1996 represents a major, bipartisan effort to respond to the national methamphetamine crisis confronting our Nation today.

Back in October 1995, the Crime Subcommittee held a hearing on the rapidly growing problem of methamphetamine. The testimony given by Federal and State law enforcement witnesses painted a grim picture of a problem that is no longer regional, but national in scope, and devastating some communities much like cocaine did in the 1980's.

The witnesses also testified about the unique problems associated with meth. The profits involved in the meth trade are enormous; meth causes longer highs than cocaine, with many users becoming chronic abusers. Meth is processed in clandestine labs, often located in remote areas, making them difficult to detect. Mexican traffickers, now the major force in meth production and trafficking, have established clandestine labs throughout the Southwest, and have saturated the Western U.S. market with high-purity meth, leading to lower prices. The 1994 mathamphetamine-related murder of DEA agent Richard Fass is a sober reminder of the violence associated with meth trafficking. In short, methamphetamine represents a dangerous, time-consuming, and expensive investigative challenge to law enforcement.

H.R. 3852 is the most comprehensive congressional effort ever mounted to respond to the meth crisis. It was introduced by Representative HEINEMAN of the Crime Subcommittee, who cannot be with us today because he is busy making a recovery from intestinal surgery. This bill is nearly identical to S. 1965, introduced by Senate Judiciary Chairman HATCH and a large, bipartisan group of Senators, including Senators, BIDEN, DASCHLE, and FEINSTEIN. Representatives RIGGS and FAZIO, also introduced bills almost identical to the one before us today.

On August 7, 1996, the DEA sought to respond to the problem of over-the-counter-drugs being diverted to manufacture meth when it published a final rule, to take effect on October 7, 1996. The rule would remove the exemption for certain over-the-counter pseudoephedrine and phenylpropanolamine, or PPA, products from the regulatory chemical control provisions of the Controlled Substances Act.

H.R. 3852 achieves the same objectives as the DEA rule by providing for the regulation of over-the-counter products when they are shown to be diverted to make meth. Its five titles, taken together, are a tough, smart, and balanced attack on the manufacturing and trafficking of meth.

Title I calls on the Attorney General to coordinate international drug enforcement efforts to interdict methamphetamine precursor chemicals, and imposes tough penalties on those who manufacture precursor chemicals outside the United States with the intent to import them into the United States.

Title II permits the seizure and forfeiture of certain precursor chemicals, and calls on the Attorney General to conduct a study and report to Congress on measures to prevent the diversion of agents used to produce meth. The title also increases the penalties for the possession of equipment used to make controlled substances and requires the Sentencing Commission to ensure that the manufacture of meth in violation of this section is adequately punished. Importantly, title II declares the DEA rule to be null and void. The DEA has agreed to this provision because of the other improvements made to the bill which make the rule unnecessary.

Title III increases the penalties for trafficking meth so as to make them the same as those provided for trafficking crack cocaine, with 5 grams of meth triggering a 5-year mandatory minimum prison sentence and 50 grams triggering a 10-year mandatory minimum prison sentence. Importantly, the Justice Department's National Methamphetamine Strategy calls for the same sentence increase. The President even wrote to the Speaker 10 days ago and criticized the House for not passing these penalties. Let the record be clear: These increased penalties are being blocked by a small handful of Democrat Members in the other body. Unless a couple of Senators change their minds, the American people will not enjoy the additional protection and deterrence provided by tough mandatory prison sentences for trafficking meth, the penalties even the President wants to see pass.

It's my hope that the President will pick up the phone and call those Members of the other body opposed to these penalties, and ask them to drop their opposition.

Title III also increases the penalties for trafficking in listed precursor chemicals, and requires the Sentencing Commission to ensure that the sentencing guidelines adequately punish violations of environmental laws resulting from clandestine meth labs.

Title IV establishes a so-called ''safe harbor,'' which provides that lawfully manufactured over-the-counter drug products that contain pseudoephedrine and PPA are exempt from regulation unless the Attorney General finds the need to control them because they're being diverted in large quantities. Under this title, if the Attorney General determines that ordinary, over-the-counter products containing pseudoephedrine and PPA are being widely used as a significant source of precursor chemicals used to manufacture methamphetamine, the Attorney General may establish a single transaction limit of 24 grams. Importantly, this bill requires the Attorney General to report to the Judiciary Committees of the House and Senate any finding of diversion before the single transaction limit is imposed. Under the bill, the DEA can begin to collect evidence of diversion of over-the-counter products upon the enactment of the act. Any delay in such data collection must be avoided so as to ensure prompt action against diversion. Both the DEA and the pharmaceutical industry have

worked long and hard with the Congress on this provision. I believe this title strikes a careful balance between providing Federal law enforcement the regulatory authority it needs to restrict diversion of over-the-counter products, and ensuring that the millions of annual consumers of cough and cold products have access to the products that bring much-needed relief.

Finally, title V creates a methamphetamine interagency task force, headed by the Attorney General, to design, implement, and evaluate methamphetamine education, prevention, and treatment practices.

Mr. Speaker, this is a smart, tough bill. The gentleman from North Carolina [Mr. HEINEMAN] could not be with us today, but he should have been proud, and I know he was, to introduce this bill.

The chief and his staffer are to be congratulated on their work on this bill. We urge him a speedy recovery, and we urge, I certainly urge, the adoption of this very fine bill he has crafted. It is a long overdue bill, to give us some real teeth in the laws against this horrible drug trafficking in the product known as methamphetamine; more commonly known to the public as speed.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is not a single Member of this Chamber who does not detest the evil of illegal drugs. Parents bury children killed by other children, locked into a deadly cycle of drugs and guns and gangs and violence. Fathers and mothers abandon children because they are driven mad by their addiction. Entire neighborhoods are laid waste. Every single Member of this Congress wants to stop this national sickness. So, we all support being tough on drug trafficking that is killing our young, destroying families, and damaging society.

Most of us will support this bill. We will support it because we know that methamphetimine is dangerous and growing fast in cities, suburbs, and towns all across America. But, Mr. Speaker, there are some among us who take principled exception to one feature of the bill, the imposition of mandatory minimum penalties.

Some of them will speak against those penalties, and some of them may even vote against the bill. I urge all of us to listen to their position carefully and to resist the temptation to engage in cheap theatrical politics, as if this principled opposition to mandatory minimum penalties were evidence of some kind of softness of drugs.

On the contrary, Mr. Speaker, those who will speak against mandatory minimums will do so because they have seen firsthand the impact in their own communities, and they believe that the impact of this bill is futile as to mandatory minimums.

With that, Mr. Speaker, I urge my colleagues to vote for this bill, but to listen respectfully to the views of those who object to one of its features.

Mr. Speaker, I reserve the balance of my time.

□ 1800

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I am here today to speak on behalf of my colleague, the gentleman from North Carolina, FRED HEINEMAN, who, unfortunately, is not here because of intestinal surgery. Congressman HEINEMAN has dedicated the last 6 months to working on this issue. I really regret that he cannot be here to speak on his own bill.

As all of us know, speed is a highly addictive, illegal drug which may cause brain damage in long-term users. It can cause users to go into deep depressions and violent rages. In fact, in Arizona, Phoenix specifically, local police attribute a 40-percent increase in homicides directly with an increase in methamphetamine production. As a former police chief, let me assure my colleagues, FRED HEINEMAN understands the relationship between drugs and crime. It is time that Congress addresses this issue in a real way.

One of the obstacles that law enforcement faces in dealing with methamphetamine production is that two of our most common cold, flu, and allergy drugs can be used to make speed. Congressman HEINEMAN's bill meets this challenge head-on. It protects consumers' rights to buy cold and allergy medicine off the shelf, while at the same time increasing the penalties for manufacture, sale, and distribution of speed, making them equivalent to the penalties for crack cocaine.

FRED HEINEMAN worked closely with the Drug Enforcement Administration, the Clinton administration, and the pharmaceutical manufacturers on this legislation.

Mr. Speaker, this has broad bipartisan support and I urge my colleagues in Congressman HEINEMAN's absence, support this bill, stop the production of speed in this country, and save the future generation of our children. With this legislation, we can do that.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SCOTT], a member of the committee.

Mr. SCOTT. Mr. Speaker, I rise in opposition to the bill. We all agree that we need to address the problem of methamphetamine manufacture, sale, and use. The question is whether we address it in a way that is clearly effective in reducing the problem or whether we address it in a way that is calculated only to enhance our political posture.

This bill relies on mandatory minimum penalties as the primary vehicle for reducing the manufacture and use of methamphetamine. Yet there is no evidence that such penalties will have any impact on reducing drug use. In fact, Mr. Speaker, the 5-year mandatory minimum for crack cocaine has not demonstrated any effect in switching drug users from selling crack to powder cocaine, for which they can get probation for 99 times more drugs.

Mr. Speaker, if we are going to look at the best way of reducing the use of speed, all of the credible evidence indicates that drug treatment is many times more effective and cheaper than mandatory minimum sentences. The drug court program has indicated that the costs of drug court is not only cheaper but more effective in reducing crime. In fact, using rehabilitation rather than prisons, we found that prisons cost five times more and result in much more crime.

A drug study in California showed that $7 was saved in prison costs for every dollar put into drug rehabilitation. According to an impact statement, Mr. Speaker, we are going to spend $100 million in additional prison costs if we pass this bill.

Mr. Speaker, those opposing the bill want to return it to the Committee on the Judiciary so that we can seriously address the best way of reducing the use of methamphetamine rather than this last-minute waste of the taxpayers' money.

So, Mr. Speaker, I would hope that we would save money and reduce crime by defeating this bill.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. He and the gentleman from North Carolina have pretty well given Members a good review of this proposed legislation.

Chief HEINEMAN, as the gentleman from Florida said, is recuperating from intestinal surgery. Mr. Speaker, he may have a hole in his intestine but he has fire in his belly when it comes to diligent work for law enforcement. He is a former New York cop, a street cop, a former chief of police in Raleigh, the capital city of my State, and he has worked diligently on this methamphetamine control act bill as well as on the telemarketing fraud bill which we will discuss subsequently.

Meth, or speed, is highly addictive and can cause permanent brain damage, as has already been indicated. Secret labs around the country have begun to manufacture speed with chemicals that have legitimate medical uses. Rogue chemists, Mr. Speaker, I am told, can easily convert cold and flu medicines into meth. Representative HEINEMAN's bill strikes a balanced approach to combat this problem by, A, increasing penalties for possession and trafficking of meth, while at the same time establishing a safe harbor for ordinary over-the-counter products containing the relevant chemicals.

It is a good piece of legislation, Mr. Speaker. I urge its passage.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to this bill. There are a number of reasons that I could oppose it and do oppose it, but I want to speak to two or three of those in this debate since my time is limited.

First of all, we asked the Justice Department, as is our prerogative, to give us a prison impact analysis of this bill. Their analysis indicates that over the next 5 years, this bill will cost the taxpayers over $268 million. This is money which, as the gentleman from Virginia [Mr. SCOTT] has indicated, could be better spent on preventing drug use rather than building more prison space and locking up more and more people and still not addressing the underlying problem.

Second, my Republican colleagues know that this bill is going nowhere. They are just playing politics with this issue. The Senate has agreed to and passed a methamphetamine bill which does not contain mandatory minimum penalties and they have stated that they will not pass one that does have mandatory minimum sentences. We are too late to conference a bill, so passing a different bill in the House than the one that has passed in the Senate gets you, in the final analysis, absolutely nothing, and that is exactly what my Republican colleagues want. They do not want any bill. They just want to make political points.

The third reason I oppose this bill is because they just absolutely abandoned the process. We were in the middle in the Judiciary Committee of marking up this bill. All of a sudden they took the bill from committee, vaulted out on the floor, put it on the suspension calendar and just absolutely disregarded the process that we should be going through. We are rushing to judgment on something that is a serious, serious issue, building another disparity in our sentencing mechanism just like the one that we have between crack cocaine and powder cocaine, ignoring the fact that prevention works better than prisons and doing something shortsighted that is simply political.

Oppose this bill today.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to respond very briefly to the gentleman from North Carolina. He and I have had a long-standing difference of opinion, though I respect his opinion, over the question of these minimum mandatory sentences in crack and powder and so forth. What we are doing in this bill is very important with regard to minimum mandatory. We are setting the same minimum mandatory tough standards for methamphetamine that we have now for crack. A very small quantity of meth is even more potent than crack. Speed can do even more damage. A small quantity is all it takes, 5 grams, to do enormous damage to somebody. Because it is so, so, so bad, we need to send a message of deterrence out there. We need to take people off the streets who are dealing in this quantity. It is not a lot but it is enough to mean that anybody who has this amount on their person, just as is the case with crack, is a dealer, is a trafficker, is not simply a user. That message needs to be there. There is no other way you can send a message of deterrence than with a minimum mandatory sentence, and I believe in them for limited purposes. This is one of those purposes. That is why it is in the bill.

As far as the process is concerned, we are here today because this is the only way we can get this bill on up in a quick period of time and consider it by the full House with what is left in this session of Congress. We do not want to just accept the other body's bill. This is our body doing our will.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, the question I want to ask of the gentleman is if we are sending a message, has the message worked on crack cocaine? You have not deterred a thing with the failed policies of building more prisons, and so all we are doing now is spending $268 million more on prisons to send some other message that has already failed. This is a failed policy that we are pursuing.

Mr. MCCOLLUM. If I could reclaim my time, if your President would put the resources necessary for interdiction of cocaine coming into this country that are needed and to just say no to drugs and send that message out to the kids, if we had been doing that these last 3 years, we would have a lot better statistics on crack and cocaine and all of the other drugs in this country.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the President of the United States is all our President, just as Reagan was my President and Bush was my President. He is my President, not your President.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. I thank the gentlewoman for yielding me this time.

Mr. Speaker, the eradication of drug use and distribution in our communities is one of my highest priorities. Illegal drug abuse has created havoc on my congressional district of Balitmore and the entire country. It has led to increased crime rates, untimely and unnecessary deaths, gun violence, and skyrocketing health care costs.

Our communities are being hard hit, with no relief in sight. Our precious resources are being depleted in this war against drugs. I believe in drug prevention to thwart drug abuse and treatment to assist struggling addicts. And I believe that we must prosecute drug dealers to the fullest extent that the law will allow. However, I believe that we must have parity in the penalties that we place on illegal drugs.

Mr. Speaker, crack cocaine, powder cocaine, methamphetamine, LSD and heroin all ravage and devastate our communities. Their destruction is undiscriminating. This body should be just as undiscriminating when assessing penalties for their abuse. This body should not create drugs of choice by calling for stiffer penalties on some illegal drugs and not for others. The sale, distribution and use of all illegal substances is abhorrent, and I too want to be tough on all illegal drugs, but we must not continue to fill our prisons with poor persons involved in less expensive substances like crack and methamphetamine while the wealthy abusers dealing in more expensive drugs wreak havoc on our communities.

This measure is not a solution to our drug epidemic. It is election year politics at the expense of poor, undeserved communities. Mr. Speaker, it is these kinds of unncesseary battles that prevent us from winning the war on drugs.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I rise in strong support of this legislation. I would first like to thank my colleague, the gentleman from North Carolina, Congressman HEINEMAN, for his hard work and vision on this piece of legislation. I think he is in our thoughts, in each one of our thoughts, as he is on his way to a speedy recovery.

Mr. Speaker, there is an epidemic taking place across this country, an epidemic that is casting a long, dark shadow over our land. The epidemic that I am referring to is this dramatic increase that we are seeing in the production, distribution, and consumption of methamphetamines.

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This is not an east coast or west coast problem, it is not an urban or rural problem, it is a national problem, and the statistics show an alarming increase in the use of meth.

Overall, the United States has seen an 80-percent increase in drugs under a President who would inhale if again he had the chance. In fact, Mr. Speaker, in a national survey released today by the Parents' Resource Institute for Drug Education, or PRIDE, as it is commonly referred to, shows that teen drug use has hit the highest level in the survey's 9-year history. An appalling one in five high school seniors now uses illegal drugs on a weekly base. Almost 1 in 10 high school seniors say they use illegal drugs every single day.

The methamphetamine epidemic has hit home, particularly in America's heartland. The Nebraska State Patrol is seizing methamphetamine at alarming rates. The amount seized has gone

from less than 1 pound in 1992 to more than 5 pounds in the first 9 months of 1996. In 1995 law enforcement officials found crank in nearly six times the items than just 2 years earlier.

The number of Nebraska arrests by law enforcement officials jumped from 23 in 1990 to 370 in 1995. Unfortunately, convictions have not been on that same percentage increase because of slick criminal trial lawyers getting them off on legal loopholes and technicalities. But these are unconscionable statistics, statistics we can no longer afford to ignore.

The ingredients used to make this drug are available in States like Nebraska that have a strong agricultural base. Interstate 80 has long been a drug pipeline for methamphetamine. This is a good legislation, and I urge the committee for its passage.

Ms. LOFGREN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. FAZIO], a member who has a long history of fighting methamphetamines and an author of a companion bill, H.R. 3908.

Mr. FAZIO of California. Mr. Speaker, I thank my friend, the gentlewoman from California, for her help on this bill and for yielding me time.

Mr. Speaker, I rise today in strong support of the bill before us, H.R. 3852. The Comprehensive Methamphetamine Control Act of 1996 is the product of many long hours of complex negotiations between industry representatives, members of the Drug Enforcement Administration, the Department of Justice, and many Members of both the House and the Senate.

Before I speak to the merits of this fine bipartisan legislation, I want to thank a number of individuals: My Senator, DIANNE FEINSTEIN of California; the gentleman from Illinois, Chairman HYDE; Chairman HATCH; the gentleman from Florida, Chairman MCCOLLUM; and the ranking member, the gentleman from New York, Mr. SCHUMER, for their work on this bill and for their determination to see this bill passed before the adjournment of the 104th Congress. Also I would like to thank my colleagues and coauthor, the gentleman from North Carolina, Mr. HEINEMAN, for his work on this bill.

Mr. Speaker, I am very proud of the legislation before the House today. For many of us, both in the Congress and in the law enforcement community, it represents the culmination of many years of hard work on this issue.

I have been working on legislative solutions to the problems created by methamphetamine since the 101st Congress, when I introduced the Regulated Precursor Chemical Act of 1990. While we have enacted antimeth legislation in almost every subsequent Congress, the illicit manufacturers and sellers of this drug have remained a step ahead of law enforcement and devised new ways to produce methamphetamine. In addition, Mexican drug cartels are now involved in the importation of many of the precursor chemicals used to manufacture meth. These cartels present additional problems and burdens for law enforcement, requiring a truly national approach to this problem's solution.

As a result, production and usage of methamphetamine in the United States has grown at alarming proportions over the last several years. According to the DEA, it has been the most prevalent clandestinely produced drug in the United States since 1979. Unfortunately, much of this production is centered in my home State of California and throughout other Western and Southwestern States.

Methamphetamine has caused a dramatic escalation in the number of overdoses, emergency hospital admissions, and drug shootings, from America's largest western cities to our most rural areas. Crack is more potent, more addictive, and much cheaper. It represents a tremendous challenge. It is a public health and law enforcement crisis of truly epidemic proportions, and we must respond to it now.

I believe this bill, H.R. 3852, offers the right solution to this crisis. It includes tough enforcement provisions which increase the penalties for production and trafficking of methamphetamine, enhanced penalties for the possession and trafficking of precursor chemicals and the equipment used to make meth, and more stringent reporting requirements on the sale of products containing precursor chemicals.

The bill also contains provisions which will make a better coordinated international effort, and strengthens provisions against illegal important of meth.

Finally, this bill requires all levels of law enforcement, in addition to public health officials, to stay ahead of the meth epidemic by creating a national working group which would educate the public on the dangers of meth production, trafficking, and abuse.

The story of our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in our recent history. We now face similar warnings with methamphetamine. We are seeing the destruction of families all across America as a result of the abuse of crack, and we must act now to stop it, for without swift action, this sad history may repeat itself.

The Fazio-Heineman-McCollum legislation is the comprehensive tool that we need to stay ahead of the meth epidemic and avoid the mistakes made during the early stages of the crack cocaine epidemic. I urge all my colleagues to support this much-needed legislation and vote for this bill, giving the opportunity for it to be taken up for a final vote on the morrow.

Mr. Speaker, I thank my friend from Florida for his assistance in making it possible to bring this bill to the floor.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a distinguished member of our committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time and thank her for her service on the Committee on the Judiciary.

This is a difficult topic, primarily because all of us face the rising tide of drug use, and I do not think this is now a time to suggest who said, ''Just say no,'' who said, ''Just don't do it.'' All of us who are parents and all of us who are members of our community clearly want to be on the side of expressing to our teenagers, in particular, the devastation of the impact of drug use.

H.R. 3852 has good intentions. Having just listened to an array of leaders in my community at a drug hearing, I do realize that there is cause for concern. But to a one, starting with the special agent of the Drug Enforcement Agency in my community, the U.S. attorney, police officers and, yes, those involved in prevention and treatment, they emphasized more than mandatory sentencing that we need to now focus, if you will, on treatment and prevention.

One of the concerns I have about this legislation is that it does not address what we have been discussing with the U.S. Sentencing Commission, a bipartisan commission that argued vigorously to change the disparate sentencing between crack and cocaine. This was ignored by the Republican Congress, for they wanted to leave and go home and beat their respective chests to talk about how they are tough on drugs.

We have young people dying every day. They do not die because we lock up people in jail. We realize that people must be incarcerated. They are dying because we do not have a serious prevention program and education program. We are not getting to the bottom question, of getting those to not buy into slogans, but buy into a commitment to save their lives by staying off drugs.

Methamphetamine is a dangerous drug. So is crack, so is cocaine, and so is heroin. But there must be an opportunity to have our Federal judges have discretion, to penalize those who are suppliers but yet to have some sort of response to those who are addicted, and as well be served by treatment.

I am also here to suggest that we have a major problem in dealing with a real problem in our community, and that is the recognition of the allegations made in the report in the San Jose Mercury newspaper in California, that alleges that individuals associated with the Nicaraguan contra rebel group sold cocaine to gangs in the south central area of Los Angeles. These news articles indicate that the CIA used the proceeds from these drug sales to purchase weapons for the contras to overthrow the Sandinista Government in the 1980's.

These allegations need to be investigated. Several Members of this House

have gone to the CIA Director requesting the CIA and the Justice Department as well as this House investigate it. I think if we are serious about drug prevention, we will get to the source of those drugs in Los Angeles and other cities around the Nation and emphasize prevention and treatment. That is the way we should go.

Ms. LOFGREN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. WATERS], a respected member of the Committee on the Judiciary.

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California for yielding me this time and for providing some leadership on this issue.

Mr. Speaker, there has been an awful lot of discussion about drugs of late. It is in the campaign now, with candidate Dole accusing President Clinton of not paying attention, somehow blaming on him the fact that there appears to be an increase in the use of drugs by teenagers.

We watch this political debate and we begin to watch legislating and legislation come forward at this time that really does not do justice to this issue. It should not be about politicking. It should not be about trying to make the public believe that something important is really happening as we look at the drug problem.

The fact of the matter is there has not been a war on drugs, and there will never be a war on drugs as long as we do this kind of legislating. We debated for hours about the disparity in crack cocaine and powder cocaine sentening. We have mandatory sentencing, and the prisons are filling up with young black and Latino males, for the most part, got with one rock cocaine, small amounts of cocaine, thrown into the Federal system in prison, prisons just running over.

Where are the big drug dealers? Where are the people who bring in the huge amounts of cocaine? Where are the big time manufacturers of crack? They are not really talked about. We do not really understand, or do we not care perhaps, where and how this gets into the communities in the first place.

If we really want to do something about drugs, we will stop this penny ante legislating and we will do some real studying. We will get to the bottom of where the precursors are, how do they get involved in the manufacture of crack. We will get down to who the big guys are, so we can really take it off the street.

This does not do this that. This is simply on of these little piecemeal bills at election time, trying to make the public believe we are doing something about drugs, and we are not.

I think we are better legislators than this. I think we are better public policy makers than this. I think we should stop, we should focus, take this out of the political arena, come back here in January, and get together and really develop some public policy that is going to help the children and the young people of this Nation.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a number of comments have been made, and accurately made, in the course of this debate. The gentleman from North Carolina [Mr. WATT] pointed out that the committee process was truncated midway and this bill brought directly to the floor, and that is the truth.

There have been comments made that prevention and treatment is the most effective tool against drugs in America, and I think that it is clear that is true. Our own Governor Wilson's administration released a report last year showing that treatment and prevention efforts were massively more successful in fighting drugs than just pure law enforcement.

However, that does not mean that we should not pass this bill today, and I highly recommend it.

I agree with the speakers who said that sentencing for crack and powdered cocaine should be equalized. I agree with that. But that is also not about this bill.

Unfortunately, speed and methamphetamine is an equal opportunity drug. You will find it being manufactured in suburban and rural areas all across California. It is a very dangerous drug, not only to the users, but to neighborhoods. In my own district, I can recall just a short while ago a lab bursting and exploding into flames, posing threats not only from the scourge of drugs but also to firefighters and police officers and neighbors from the conflagration that ensued.

□ 1830

A lot of people in America do not realize that this bill deals very severely with the precursor drugs that are used by those who would make methamphetamines illegally for sale to the young and others in our communities.

What is that? Well, I sometimes have allergies, especially in the spring, and I must confess I take Sudafed and the generic equivalent with some frequency when that happens, and I like to buy it in the little bottle so I do not have to struggle with the little bubble caps. After this bill is enacted into law we are all going to have to struggle with the little bubble caps, because one of the things we are going to do is to make it harder to buy the precursor chemicals so that people cannot manufacture this drug.

That is going to involve some inconvenience for consumers across this country, including myself, and I think it is a small price to pay in order to take effective efforts against this drug.

As I said at the opening of this discussion, we have many principled Members on our side who have spoken quite eloquently on the issue of mandatory minimum sentencing. I know each one of these individuals well. I know that perhaps even more than those of us who may not represent areas that have been targeted for drug sales, they and their constituents know the heavy price paid by those who are involved in drugs and how terrible the dealing of drugs is.

I again respect that the issue over mandatory minimum sentences really says nothing about their concern to fight drugs. I urge that we pass this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to concur with a lot of what the gentlewoman from California just said. This is a bipartisan bill. There are a few disagreements among some of the Members over the minimum mandatory sentences in this bill and perhaps with some other features in it.

The bottom line though is we need to pass this legislation tonight. We need to get it enacted into law, because methamphetamine, better known as speed, is a really dangerous drug. It give you a higher and longer high, they tell me, than crack cocaine does. It is commonly found, it is pretty darn cheap, and it is manufactured synthetically and manufactured with chemicals, we call them pseudoephedrine, which is a big word, but basically is found in most of our cough and flu medications in the drugstore, the grocery store, whatever.

It takes large quantities of this and normally and historically those large quantities have been acquired through chemical plant sources from abroad or elsewhere, and they have been done illegally and surreptitiously, but more recently we have been seeing the folks in the United States, and that is where this is made usually, are going to the drugstore or going somewhere and buying very large quantities of off-the-counter, over-the-counter I should say, off-the-shelf products, and that is not good. We need to stop that.

This bill goes a long way toward stopping that, while still providing access for every American to have their flu and cough medications found in the so-called pseudoephedrine product line.

In addition to that, it takes care of being sure that we have the right kind of sentencing in here. While some may disagree with it, and I have heard somebody say this is penny-ante legislation and somebody else say it is too expensive, I would suggest it is neither one. There is nothing that would be too expensive, in my judgment, to stop the kind of crisis we are getting in this particular drug.

We have already heard about the statistics that are so alarming about our young people tonight, generally with drugs, in this Nation. We are seeing this dramatic increase in the last couple of years in 12- to 17-year-olds using drugs, period. Over the last 3 years I

think the figure is close to a 100-percent increase in drug usage among teenagers of that age group in this Nation. And it is very, very high with cocaine, 166 percent in 1 year, while it is also very, very high with methamphetamine, which is becoming a choice drug over crack cocaine, even more popular in some parts of the country than cocaine.

So tonight's bill is not a small, penny-ante bill. It is not too expensive. It is just right. It is the formula to give our law enforcement community the tools they need to try to stop the use of methamphetamine and the production of methamphetamine, better known as speed. If we can give them more tools, there is nothing in this bill that would be too expensive.

Frankly, there is no money involved in this bill. It is a bill, however, that does contain minimum mandatory sentences. Those minimum mandatory sentences are very tough because small quantities, 5 grams, just like with crack, are trafficking quantities of meth. It does not take much to do the job, and I do not think anybody here should be ashamed to vote for 5 years minimum mandatory sentence for somebody caught with 5 grams of this stuff because they are trafficking in it. They are causing hardship and death in some cases to our young people, and they are the villains in this process.

We cannot lock everybody up, but we can certainly lock up the drug traffickers. If somebody is the big, big, big drug dealer, we have the death penalty for that. We have a lot harsher punishment for them. What we need is the will to go carry out those laws and to come and do the interdiction, the ''just say no'' education programs for young people, the drug treatment and the work abroad, where that is necessary, in a balanced war against drugs.

When need to come together as a Nation. This is a good step in the right direction tonight. It is a bipartisan product. Democrats and Republicans alike have worked on this bill, and it is a bill which the President should sign.

I hope that when this gets over to the Senate, if President Clinton will pick up that telephone and call those Senators who say that they are going to try to block this bill from passing over there, and it does not take very many of them in the other body to do that because they have procedural problems at the end of a session, I hope he will get on the phone and call those members of his own party who say they are going to block it over these minimum mandatory sentences. I urge him to do that tonight, and if he does it, we will have a bill. It will get passed into law, and the Nation will be far better as a result of that and we will have many better law enforcement tools.

Mr. Speaker, again I urge the passage of this bill.

Mr. MATSUI. Mr. Speaker, in recent years, Sacramento County has been increasingly troubled by the prevalence of the drug methamphetamine. Last year, the Sacramento Sheriff's Department made 1,117 arrests for methamphetamine charges, a number that greatly exceeded the amount of arrests for cocaine, marijuana, and heroin combined. The Sheriff's Department also discovered and dismantled seven methamphetamine labs, a significant accomplishment but one that drained the county government of approximately $40,000 of its valuable resources.

This year, the Sacramento Sheriff's Department conducted an investigation that led to the arrest of four individuals and the seizure of 80 pounds of methamphetamine, valued at $2.9 million. Although law enforcement officials have made great progress, there is much more work to be done.

I am proud to support the Comprehensive Methamphetamine Control Act of 1996, which takes a big step in addressing this very serious problem. In light of the public health, safety, and law enforcement challenges posed by methamphetamine in California and elsewhere in the United States, this bill represents an effective means of attacking its production, distribution and use. It is my hope that we will soon rid Sacramento County and the rest of the country of the terrible consequences of this dangerous drug.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3852. The legislation increases penalties for trafficking and manufacturing methamphetamine substances or other materials used to produce methamphetamines. The bill also establishes an interagency task force to design, implement, and evaluate methamphetamine education, prevention, and treatment practices.

Section 207 also contains a provision which permits judges, as a condition of sentencing, to require those convicted of running an illegal methamphetamine lab to (1) pay for the costs of cleaning up any toxic wastes, (2) reimburse the government for any costs it incurs in cleaning up any toxic waste at the site, and (3) to pay restitution to any person injured by a release of toxic substances at the site. Unlike Superfund's system of strict, joint and several, and retroactive liability, this is a ''polluter pays'' provision which makes sense—someone who acts illegally should be held responsible for the costs to clean up the mess that they made.

I support the legislation; however, I must point out that the bill has not been fully considered by the committees of jurisdiction. H.R. 3852 was referred to the Committee on the Judiciary and the Committee on Commerce. The Crime Subcommittee has considered the bill, but the full Judiciary Committee has not; in addition, the Commerce Committee has not considered this legislation. Given the limited time remaining in this session of Congress, I will not object to this bill moving forward. In doing so, however, the Committee on Commerce in no way is yielding any of its jurisdiction on this and other similar matters.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to support H.R. 3852, the Methamphetamine Control Act. Methamphetamine is a powerful drug that is relatively easy to manufacture. The use of this dangerous drug is escalating rapidly due to its low cost and highly addictive qualities.

Methamphetamine use is expanding into the Midwest. According to the Nebraska State Patrol, in 1991, Nebraska had 25 arrests for possession of methamphetamine or delivery. In 1995, there were 374 methamphetamine arrests. This is a 350-percent increase. Communities along the I–80 corridor are the hardest hit. The severity of the problem in Nebraska was highlighted last spring by the tragic death of a teenager in York, NE, at his prom from an overdose of methamphetamine. It was a shock and wake-up call to this prototypical county seat community of 7,500 and to all of Nebraska.

The Methamphetamine Control Act increases penalties for trafficking and manufacturing methamphetamine substances or other materials used to produce methamphetamines. It appropriately establishes mandatory minimum sentences for methamphetamine trafficking. For trafficking 5 to 49 grams of the drug there will be a 5-year minimum sentence. The bill requires a 10-year minimum sentence for trafficking 50 or more grams. These new penalties are crucial to efforts to decrease the availability of this dangerous and proliferating drug.

In closing, Mr. Speaker, we must pass this bill in the short time left in this session of Congress. It must also be passed by the Senate with these tough but appropriate sentencing provisions so that it can be sent to the President for signature. The Nation must become serious and effective in combating this very serious problem. This bill must become law this year in order to do all we can to fight the use of this dangerous drug.

Mr. RIGGS. Mr. Speaker, I rise today in strong support of the Methamphetamine Control Act of 1996. This is a bipartisan bill designed to attack the production, distribution, and use of methamphetamine in the United States.

Methamphetamine poses a serious and growing public health concern in this country, and requires immediate government attention. While regulations recently promulgated by the Drug Enforcement Administration provide a first step towards combating methamphetamine trafficking, further action is needed to close loopholes in those regulations and provide a more complete response to control methamphetamine in this country.

H.R. 3852 would combat this drug scourge by giving the law enforcement community the muscle it needs to fight trafficking in methamphetamine and its precursor chemicals. To this end, the bill restricts the importation of methamphetamine and precursor chemicals into the United States; increases criminal penalties for methamphetamine manufacturers and traffickers; cracks down on the ability of rogue companies to sell bulk quantities of precursor chemicals that are diverted to clandestine laboratories for the manufacture of methamphetamine; and expands regulatory enforcement of all precursor chemicals used to make methamphetamine, which, in turn, will plug a loophole in current Drug Enforcement Administration regulations that apply only to a narrow range of products that could potentially be diverted to illegally manufacture methamphetamine.

Importantly, the Methamphetamine Control Act balances these critical law enforcement objectives with the need to protect consumer access to over-the-counter medicines.

Thus, while imposing measures to decrease the availability of precursor chemicals, the legislation does not restrict the ability of law-abiding citizens to use common remedies for colds and allergies. Nor does the legislation subject sales of such legal products to onerous record keeping requirements at the retail level.

Finally, the bill institutes a number of programs to improve and expand existing education and research activities related to methamphetamine and other drug abuse, and to monitor methamphetamine abuse in the United States and improve reporting of suspicious precursor chemical orders.

Mr. Speaker, I have received letters in support of the Methamphetamine Control Act from law enforcement and health officials across California. Among those who have contacted me are Jim Maready, Sheriff-Coroner of Del Norte County, and James Tuso, Sheriff-Coroner of Mendocino County. Both jurisdictions have experienced increases in violence related to the trafficking and use of methamphetamine.

The tragic death of 14-year-old Raina Shirley in March of this year as the result of methamphetamine furnished to her focused national attention to the problem in Northern California.

As cosponsor of the original version of Methamphetamine Control Act, I strongly endorse the measure before the House today. H.R. 3852 represents a comprehensive response to this spreading national menace. It is my hope that Congress will move rapidly to enact the bill, and help prevent future tragedies like the one that methamphetamine brought to Raina Shirley and her family.

Mr. Speaker, I include the letters referenced earlier.

COUNTY OF DEL NORTE,
OFFICE OF THE SHERIFF,
Crescent City, CA, September 18, 1996.

Re Methamphetamine Control Act of 1996.

Congressman FRANK RIGGS,
Longworth Office Building,
Washington, DC.

HON. CONGRESSMAN RIGGS: I understand that the Methamphetamine Control Act of 1996 bill is making its way through Congress and came up for mark-up in committee last Wednesday. Ideally, the fewer changes made to the bill, the better. This will help facilitate passage through the Senate.

Methamphetamine at this stage in our society, even in small rural counties, is in many cases to the young people of today what marijuana was to the same age group in the '60's and '70's.

The precursers used in the process of manufacturing methamphetamine are readily available to those that wish to manufacture the illegal drug. In addition, the new processes used in the making of the drug is much less sophisticated, thus novices can manufacture the drug in a very short period of time.

I would urge any new sanctions that could be used in fighting this invasive drug that is crippling many of our young people. I am in constant contact with the young people of our community through my office as Sheriff, coaching high school football, D.A.R.E., and other civic involvements. Please do not hesitate in contacting me if I can be of any assistance.

Sincerely,

JIM MAREADY,
Sheriff-Coroner.

OFFICE OF THE SHERIFF-CORONER,
COUNTY OF MENDOCINO,
Ukiah, CA, September 16, 1996.

Congressman FRANK RIGGS,
U.S. Congress,
Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN RIGGS: I am in receipt of Senator Feinstein's correspondence in regards to the Methamphetamine Control Act of 1996, and will be most honored to endorse this proposed legislation and offer any assistance for it's successful passage. In Mendocino County, methamphetamine continues to be the drug of choice, and as such, presents a most serious and dangerous problem for law enforcement and community members.

Here in our county, the Mendocino County Major Crimes Task Force has conducted 832 investigations involving methamphetamine during Fiscal Years 1992–1993, 1993–1994, 1994–1995, and 1995–1996. From these investigations, 719 arrests were made and 58 clandestine laboratories were seized.

Methamphetamine Investigations

Fiscal year:	
1992–93	220
1993–94	245
1994–95	226
1995–96	141
Total	832

Of the total number of all narcotics investigations conducted by the Mendocino County Major Crimes Task Force during this time period (1357), 61% were directly related to methamphetamine.

Methamphetamine Arrests

Fiscal year:	
1992–93	176
1993–94	220
1994–95	199
1995–96	124
Total	719

Of the total number of all narcotics arrests made by our Major Crimes Task Force during this time period (1174), 61% were for offenses related to methamphetamine.

Methamphetamine Seized

Fiscal year 1992–93:	
Cost	$1,003,000
Amount (grams)	10,030.00
Fiscal year 1993–94:	
Cost	$231,390
Amount (grams)	2,313.90
Fiscal year 1994–95:	
Cost	$545,283
Amount (grams)	5,452.83
Fiscal year 1995–96:	
Cost	$221,535
Amount (grams)	2,408.00
Total:	
Cost	$2,001,208
Amount (grams)	20,204.73

Our Major Crimes Task Force reported witnessing an increase in the number and sophistication of clandestine laboratories in our county. Out-of-county methamphetamine laboratory operators are paying lab-site brokers to secure areas to manufacture methamphetamine. The property owners are paid a fee to allow the process to occur. Once the cooking process is complete, the clandestine laboratory is moved. Some of these cooking processes yield up to 350 pounds of methamphetamine.

Clandestine Laboratories

Fiscal year:	
1992–93	6
1993–94	12
1994–95	19
1995–96	21
Total	58

Like other jurisdictions, Mendocino County has experienced an increase in violence related to the use and trafficking of methamphetamine. Our most heinous act of violence occurred on August 23, 1993, when 21 year old Ronald Trever Harden shot and killed his mother, father, sister and 16 month old niece while under the influence of methamphetamine. He then took his own life.

The tragic death of 14 year old Raina Bo Shirley in March of this year as a result of the ingestion of methamphetamine furnished to her brought national attention to our small county due to the circumstances surrounding her disappearance and death. As you know, the suspect is still being sought in her death. In another tragedy, 17 year old Angel Ann Miller died from methamphetamine toxicity after being furnished the drug by a male friend, who has since been arrested for murder as a result of her death.

Therefore, it is without hesitation that I offer my support to your efforts in seeking legislation to further enhance our ability to curb methamphetamine production. If necessary, we can provide testimony to what we have encountered.

Sincerely,

JAMES TUSO, *Sheriff-Coroner.*

Mr. HEINEMAN. Mr. Speaker, I want to thank Crime Subcommittee Chairman BILL MCCOLLUM and his staff for all their assistance in getting this vital legislation to the floor. I introduced H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996 because of the growing scourge of meth. Senator HATCH introduced companion legislation, S. 1965, which passed the Senate earlier this month.

Meth, commonly known as speed, is highly addictive and causes permanent brain damage in long-term users. Meth has become a public health crisis in California and the Southwest and is moving East. DEA records indicate a 57-percent increase in meth lab seizures from January to May of this year alone. In 1994, California experienced a 49-percent increase in meth-related emergency room admissions. In Phoenix, police link a 40-percent increase in homicides directly to the sudden rise in meth production. Meth produces a euphoric high, but also produces deep depression and violent rages. In one particularly gruesome incident, Eric Smith of Chandler, AZ, binged on meth for 24 hours and then beheaded his son and tossed his son's head from the window of his van onto a busy highway.

Secret labs manufacture meth from chemicals with legitimate medical uses. Two of the most common precursor drugs—ephedrine and pseudoephedrine—are common ingredients in cold, cough, and flu medications. More than 100 over-the-counter cold and allergy medicines contain pseudoephedrine. These products are used by more than 90 million Americans and account for $1 billion a year in lawful sales. However, rogue chemists can easily convert these cold and allergy medicines containing pseudoephedrine into meth.

While I am committed to eliminating meth, I believe that we can do so without forcing drug stores from removing cold and allergy medication from their shelves because of overlyburdensome regulations. As written, the DEA regulations apply new recordkeeping requirements to retailers, forcing individual clerks to engage in complicated calculations concerning base chemical quantities. Failure to comply or make correct calculations can result in $30,000 in fines or incarceration. Instead of complying with these criminal regulations, drug stores will simply remove most cold and allergy medicines from the shelves. This will dramatically affect the 90 million consumers who rely on this medicine. My bill revokes these DEA regulations.

This is a nonpartisan issue. Ranking member CHARLES SCHUMER wrote DEA Administrator Tom Constantine on February 28, 1996, to express the very same concerns regarding DEA's proposed regulations that Congressmen MEL WATT and HOWARD COBLE and I

raised in a March 19, 1996, letter. In addition, I was pleased to work closely with Congressman VIC FAZIO from California who introduced similar legislation. The administration is also on record as being supportive of this bill. This is indicative of the bipartisan nature of this legislation.

As a 38-year law enforcement veteran, I have seen epidemics of heroin, LSD, cocaine, and crack infect our cities and communities. We must take immediate and dramatic action to ensure that meth is eradicated, while at the same time enabling consumers access to cold, flu, and allergy medication. That is why I introduced H.R. 3852, which:

Increases penalties for possession and trafficking of methamphetamine, making them equivalent to the penalties for crack-cocaine

Increases penalties for illegal possession and trafficking of precursor chemicals used for the manufacture of methamphetamine and other controlled substances.

Reduces single transaction reporting requirements for all sales other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine containing products from 1 kg to 24 grams.

Creates a safe harbor for ordinary over-the-counter products containing pseudoephedrine or phenylpropanolamine to cover those products packaged in package sizes of not greater than three grams of pseudoephedrine or phenylpropanolamine base and packaged in blister packs. This will effectively combat shelf sweeping.

Establishes new reporting requirements for firms that sell pseudoephedrine or phenylpropanolamine products via mail order.

Imposes tougher penalties on those who import meth or its precursor chemicals with the intent to distribute them within the United States.

H.R. 3852 represents a common sense approach to a dangerous problem. It fairly balances the concerns of consumers with those of law enforcement so that meth can be eliminated. It is my sincere hope that the President joins our antidrug initiative and signs H.R. 3852 into law. I urge my colleagues to support this tough, bipartisan legislation. Pass H.R. 3852!

Thank you, Mr. Speaker.

Mr. HEINEMAN. Mr. Speaker, today I am pleased that the House is poised to pass my bill, H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996. H.R. 1499 protects senior citizens from a sophisticated type of white collar criminal—telemarketing scam artists who target vulnerable elderly citizens.

These crimes are among the most outrageous in society because telemarketing scam artists prey on the most vulnerable—seniors who can least afford to lose their limited savings. In fact, Members have already spoken against telemarketing fraud once before, and many of my colleagues thought that the job of getting tough on these kinds of crimes was already completed. However, the job is only half done. The 1994 crime bill included important language cracking down on telemarketing fraud. Today we will pass legislation which completes what was begun in the 1994 crime bill, legislation that takes the tough sentences included in the 1994 crime bill and makes certain that telemarketing scam artists actually receive tougher penalties.

H.R. 1499 was approved unanimously by the Subcommittee on Crime together with a technical amendment offered by Chairman BILL MCCOLLUM. This legislation was developed in consultation with the Department of Justice and staff of the U.S. Sentencing Commission. It is a reasonable, bipartisan bill, and I want to thank my colleagues on both sides of the aisle who have expressed their support for this legislation.

Why is this legislation needed? Telemarketing fraud against seniors is on the rise, but the average sentence for this kind of crime is only 18 months. The 1994 Crime bill directed the U.S. Sentencing Commission to review the Federal sentencing guidelines and report back to Congress on amendments to the guidelines that would ensure tough sentences for telemarketing frauds. Unfortunately, when the Sentencing Commission reported back to Congress in March of 1995, it concluded that no enhancements for telemarketing fraud were needed.

This past April, the Subcommittee on Crime heard the tragic testimony of senior citizens who lost their life savings to telemarketing scams. One of my constituents, Mary Ann Downs from Raleigh lost over $74,000. In Durham, NC, an elderly woman was victimized for $212,000. The FBI estimates that U.S. consumers lose over $40 billion a year to fraudulent telemarketers.

My legislation directs the U.S. Sentencing Commission to amend the sentencing guidelines so that sentences for general telemarketing fraud offenses are enhanced by 4 levels, and telemarketing fraud offenses committed against seniors are enhanced by 8 levels.

According to staff of the U.S. Sentencing Commission, a 4-level enhancement for telemarketing frauds would equal roughly 11 months, or a 60-percent increase from the average 18 months sentence currently received. An 8-level increase would equal roughly an additional 25 months, or a 140-percent increase from the current average 18-month sentence for these frauds. This still falls short of the full extent of the 5 years and 10 years additional prison time envisioned by the 1994 Crime bill, but it is a critical step in combating telemarketing fraud.

The bill also includes a sentencing enhancement of 2 levels for frauds committed by defendants in a foreign country. This is in response to the fact that increasing numbers of telemarketers are moving their operations to foreign jurisdictions in an attempt to evade prosecution in the United States. In addition, H.R. 1499 provides for criminal forfeiture of the proceeds of telemarketing scams.

I urge my colleagues to support H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996 and help protect their senior constituents from telemarketing predators. Thank you, Mr. Speaker.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3852, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1296, OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–842) on the resolution (H. Res. 536) waiving points of order against the conference report to accompany the bill (H.R. 1296), to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, which was referred to the House Calendar and ordered to be printed.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The Clerk read as follows:

H.R. 4137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug-Induced Rape Prevention and Punishment Act of 1996''.

SEC. 2. USE OF CONTROLLED SUBSTANCES TO COMMIT SEXUAL ASSAULT CRIMES OF VIOLENCE

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting ''a person convicted under this subsection for the possession of a mixture or substance containing a detectable amount of a controlled substance, with the intent to administer such mixture or substance to another person to facilitate a crime of violence, as defined in section 16 of title 18, United States Code, (including a sexual assault) against that person, shall be fined under title 18, United States Code, or imprisoned not more than 15 years, or both, and if the victim or intended victim of the crime of violence is age 14 or under, shall be imprisoned not more than 20 years, and'' after ''Notwithstanding the preceding sentence,''.

SEC. 3. ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.

(a) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking ''or'' at the end of clause (vii);

(B) by inserting ''or'' at the end of clause (vii);

(C) by inserting after clause (viii) the following:

''(ix) 1 gram or more of flunitrazepam;'';

(2) in subsection (b)(1)(B)—

(A) by striking ''or'' at the end of clause (vii);

(B) by inserting ''or'' at the end of clause (vii);

(C) by inserting after clause (viii) the following:

''(ix) 100 mg or more of flunitrazepam;''; and

(3) in subsection (b)(1)(C), by inserting ''or flunitrazepam'' after ''I or II''.

(b) IMPORT AND EXPORT PENALTIES.—

(1) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting ''or flunitrazepam'' after ''I or II''.

(2) Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (G);

(ii) by inserting ''or'' at the end of subparagraph (H);

(iii) by inserting after subparagraph (H) the following:

''(I) 1 gram or more of flunitrazepam;''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (G);

(ii) by inserting ''or'' at the end of subparagraph (H);

(iii) by inserting after subparagraph (H) the following:

''(I) 100 mg or more of flunitrazepam;'' and

(C) in paragraph (3), by inserting ''or flunitrazepam'' after ''I or II,''.

(3) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting ''(except a violation involving flunitrazepam)'' after ''III, IV, or V,''.

SEC. 4. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines for offenses involving flunitrazepam. The Commission shall submit to Congress a summary of its review, and an explanation for any amendment to the sentencing guidelines made pursuant to this section. In carrying out this section, the Commission shall ensure that the sentencing guidelines for such offenses reflect the serious nature of such offenses.

SEC. 5. STUDY ON RESCHEDULING FLUNITRAZEPAM.

The Administrator of the Drug Enforcement Administration shall conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.), and shall consult with other Federal and State agencies as appropriate. Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit the results of such study, together with any recommendations as to such rescheduling, to the Committees on the Judiciary of the House of Representatives and the Senate.

SEC. 6. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General is authorized to create educational materials regarding the use of controlled substances in the furtherance of rapes and sexual assaults and disseminate those materials to police departments throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, they call it ''the forget pill'' or ''the date-rape drug.'' Technically known as flunitrazepam, better known by its trade name Rohypnol, this inexpensive drug is being used by sexual predators to incapacitate their victims before they are raped.

Rohypnol is colorless, odorless, tasteless and dissolves quickly and easily in alcohol. In fact, alcohol enhances the drug's intoxicating effects, and leaves the victim utterly helpless and vulnerable to rape.

Mr. Speaker, what makes the use of this drug even more vile and contemptible is that victims are likely to suffer amnesia. This makes it impossible for them to recount to law enforcement the circumstances surrounding the rape. These victims suffer the knowledge that they have been sexually assaulted—they just can't remember or explain how it happened.

The distribution and abuse of this drug is a particularly big problem in my home State of Florida, From 1990 to 1992, there were 14 State and local law enforcement cases involving flunitrazepam, and the drug was found almost exclusively in the Dade County area. By 1995, the number of cases had escalated to in excess of 480. Moreover, as law enforcement encounters indicate, the drug has now spread all over the State of Florida.

This drug has been frequently found at nightclubs and college parties. It is also horrifying to learn that distribution of this drug has been discovered at junior and senior high schools—in Florida, as well as in numerous other States. The drug has also been adopted by street gang members across the country. In Texas, street gangs have been known to administer Rohypnol to females in order to commit gang rape as part of the initiation into a gang.

Although it is approved in other countries for short-term treatment of anxiety and sleep disorders, this drug is not currently approved by the Food and Drug Administration for marketing in the United States. According to the Drug Enforcement Administration, Rohypnol is being smuggled in from Mexico and other Latin America countries.

This drug is currently listed as a Schedule IV drug on the Controlled Substances Act. Schedule IV drugs are drugs with accepted medical uses and low potential for abuse. The DEA has suggested that the drug be moved to Schedule I—which are drugs with no currently accepted medical uses in the United States and which have a high potential for abuse. The difficulty in deciding whether to reschedule flunitrazepam is that the drug has some accepted medical uses—it is prescribed legally in 64 other countries. This bill will substantially increase the penalties for manufacturing or distributing flunitrazepam, to give law enforcement the muscle it needs to prosecute these cases. However, it also directs the Administrator of the DEA to conduct a thorough study on the appropriateness and desirability of rescheduling flunitrazepam to a Schedule I controlled substance. The Administrator is given 6 months to conduct this study, and I fully expect Congress to revisit this issue when that report is completed. As chairman of the Crime Subcommittee, I intend to hold a hearing on the DEA's report shortly after it's received.

It is entirely possible that other drugs may now exist, or may come along in the future, which have the same properties as Rohypnol. This legislation address those drugs, by making it illegal to posses a controlled substance with the intent to administer that substance to facilitate a crime of violence. If a victim is under the age of 14, the penalties are even higher. This bill ensures that whatever new ''date-rape drug'' may come along, the penalties are there for any sexual predator who may try and use it.

The bill also directs the Sentencing Commission to recommend additional penalties for the distribution of various quantities of flunitrazepam, and authorizes the Attorney General to create educational materials regarding the use of controlled substances in furtherance of rapes.

Mr. Speaker, we have a short time left in this Congress, and it would be a tragedy if we did not pass such a significant and important piece of legislation. This bill can help put a stop to the abhorrent practice of incapacitating woman for the purpose of sexual assault. I commend the gentleman from New York [Mr. SOLOMON] for being the force responsible for getting this bill to the floor today. I strongly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, even though I believe that it does not go far enough.

Mr. Speaker, this bill is aimed at an alarming growth in the domestic abuse of a drug popularly known as ''the date rape drug.''

This drug, technically known as flunitrazepam is a sedative and a hypnotic. Although it is marketed abroad, it is not legally available in the United States.

It is marketed under a variety of trade names, the most widely used being Roche Pharmaceutical's ''Rohypnol.'' It is known on the street by slang names such as ''roofies,'' ''ropies,'' and ''ropes.''

Rohypnol enters this country through a variety of channels, and substantial evidence of abuse has emerged. This abuse includes: use by high school teenagers and college students to increase and prolong highs from alcohol; use by heroin addicts to boost heroin highs; use by cocaine users to parachute down from a cocaine binge, and use as an aid in the commission of rape. This abuse has earned it the infamous names of the date rape drug.

The use of Rohypnol in rape stems from the fact that the drug—especially

in combination with other depressants—puts the victim in a virtual stupor, with profound sedation, impaired motor control, and adversely altered mental judgment and behavior. And it also induces amnesia, so that the victim cannot accurately remember what happened to her.

Mr. Speaker, the bill before us is a watered down version of what the full Judiciary Committee approved just last week. At that time, the committee voted to raise the drug's classification from what is known as schedule four—with relatively weak penalties—to schedule one—with the toughest penalties applicable to any controlled substance.

Somehow, between then and today, the majority was persuaded to weaken this bill, and to take out the rescheduling provision. There is no way to describe this but a cave in to the demands of the pharmaceutical industry.

I regret that the majority backed down in the face of heavy, behind-the-scenes lobbying and brought this weak measure to the floor.

Nevertheless, because it does substantially increase penalties for the use of controlled substances in crimes of violence, including rape, I will support the measure and urge my colleagues to vote for it.

However, I hope that the next Congress, perhaps with a change in leadership, will stand up to the special interests and get even tougher on this dangerous drug. Maybe we will even do it without a change in leadership because it is the right thing to do no matter who takes over.

□ 1845

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York, Mr. SCHUMER. And might I say that there is much to say about this, but I will certainly contain my remarks.

This is a very serious matter that is made more serious by a recent incident in my community. I hope this brings home the importance of this legislation, albeit I am concerned with the mysterious way that it has changed from being a schedule 4 circumstance to a schedule 1.

That is, a young lady, a teenager, healthy, academically inclined, an athlete, respected in her community, had much life before her, tragically lost her life in the last 2 months because of a so-called date rape drug.

Having come home from a volleyball camp and just wanting to spend some time with her friends at one of the local teenage clubs, where no alcohol, might I say, was served, but having spent a few hours there and drinking whatever the soft drinks were that were there, went home around midnight and failed to wake up. The tragedy was even prolonged, for it took a month before it was determined, the cause of death.

All of her family members were shocked. They certainly knew that this was not a drug abuser, and they certainly knew that this young lady had much to live for. But tragically, it was determined, after law enforcement notified some of the officials dealing with the autopsy, that they might just look into this so-called date rape drug, and there it was, that this particular healthy teenager died because of a tragic use of this type of drug.

So it is very important to recognize that we can say no, we can say, just do not do it, but this is a drug that needs the pointed focus of this House of Representatives.

The drug is odorless, it is colorless, it is tasteless, and it causes sedation and euphoric effects within 15 minutes. In the instance in my community, this young lady had a terrible headache. Afraid to tell her parents what had happened, that she had been out when she should have been at home, she tragically went to bed and did not wake up.

The effects are boosted further by alcohol use or marijuana. Most offensively, this particular drug has become a tool of predators who spike the drinks of unsuspecting young women and then rape them. In this instance, that did not occur. But tragically, this is what occurs on many occasions. So we must recognize the dangers of the Rohypnol drug.

The FDA has begun the administrative process of moving this drug from schedule 4 to schedule 1, to put the drug in the same category that carries the same penalties as LSD and heroin. But, unfortunately, we found that even after this bill passed through the Committee on the Judiciary, it seems to have been reworded and reworked, and so this drug today remains a schedule 4 drug, not because anyone actually believes it is safe as the other schedule 4 drugs like Valium, but because a drug company has successfully lobbied, to the detriment of women and girls across the country.

I will simply say, Mr. Speaker, that I certainly have the confidence that we will go back and correct this. I certainly hope the life of this young, and vigorous young lady, does not go in vain. I also hope that we add to this effort certainly the importance of prevention and education, programs like the Safe and Drug-free Schools, DARE programs, explaining to our teenagers that the utilization of any drug is not the way to go, but recognizing that the date rape drug is usually dropped on an unsuspecting victim.

It is important that we focus on this drug, focus on this legislation, and in fact, maybe at another day, emphasize the level that it should be at, which should be schedule 4.

I thank the gentleman for his kindness and his leadership, and I hope that we can work together in a bipartisan manner, and I thank the chairman for his work in passing this legislation through. I am just concerned that we move it to a stronger penalty at this time.

Mr. Speaker, I rise today in support of H.R. 4137. Unfortunately, violence against women is a major problem in our country today and one of its most devastating forms is that of date rape. While this is an issue that has plagued us for a long long time, it is the emergence of a drug called Rohypnol, which was the catalyst for this legislation. This legislation also applied to "GHB" another such drug that caused the recent tragic death of a teenager in Texas.

To reiterate for my colleagues, Rohypnol is a drug used in many foreign countries for the treatment of tension, stress and insomnia, but it has not been certified for prescription in the United States. This is a drug almost identical to other FDA approved drugs currently prescribed by doctors in the U.S. and has several legitimate and practical uses.

Regardless, like many other illegal drugs, it is now being smuggled in from Mexico and South America and it is being used in the execution of the most horrible crimes possible—those of sexual assault against another person.

While this drug represents a particular problem within a larger issue this bill is much broader since it criminalized the use of any controlled substance with the intent to commit sexual assault. This bill also sets stiff penalties for those who are convicted of such crimes and attempts to protect children by inflicting prison sentences of up to 20 years for those perpetrators whose victims are 14 years old or younger.

I applaud the efforts of Mr. SOLOMON to address this dire social issue at least partially, if not completely. For it cannot be refuted that while Rohypnol is used for the purposes of sexual assault, its use represents only a small fraction of sexual assaults.

Regardless, I support this bill and what it attempts to do. I stand with the other Members on both sides of the aisle, in the fight against violence against women, in whatever form it takes. This bill is only another battle in the long, arduous war that we are fighting and that we will one day win.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the author of this legislation.

Mr. SOLOMON. Mr. Speaker, I thank the chairman, and I commend the chairman of the Subcommittee on Crime, the gentleman from Florida, Mr. BILL MCCOLLUM, for the outstanding job he does as chairman of that subcommittee and particularly for his support dealing with this heinous crime of date rape.

I would also like to commend my colleague, the gentlewoman from New York, Ms. SUSAN MOLINARI, for her recognition of this problem and her cosponsorship of the bill to punish people who use this drug to commit rapes.

Also, I would like to thank the gentleman from Georgia, Mr. BOB BARR, for his support and the gentleman from North Carolina, Mr. FRED HEINEMAN, a young marine, 45 years ago, that went through boot camp with me, for his assistance with this bill in the committee. Unfortunately, Mr. HEINEMAN is ill and recovering from surgery and could not be here to lend his support tonight.

Mr. Speaker, the use of any illegal drug as a tool to commit sexual battery and rape is as loathsome as using a weapon. It seems to me that this kind of manipulative drug use is just as dangerous and just as loathsome as holding a knife to someone's throat and should be dealt with accordingly. That is what we are attempting to do with this legislation.

In response to the growing use of date rape drugs and the use of other drugs in violent sex crimes against women and children, the bill before us today increases the penalties for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery. That is what this is all about.

Our bill increases the maximum penalty to 15 years in prison for using any controlled substance to commit a crime of violence, and greater penalties are imposed on someone who is sick enough to use the drug to rape a vicitm 14 years of age and younger.

This legislation marks the first time, the very first time, the use of a controlled substance will be viewed as a weapon anywhere in the United States. That is the importance of this legislation. The stiffer sentences in this bill focus on the criminal intent of the individual possessing that drug.

Mr. Speaker, it is important to point out that illegal drugs have been at the very root of the social ills facing our society today. Consider this fact, Mr. Speaker: Approximately 75 percent of all of the violent crimes in America today against women and children are drug related, 75 percent. In other words, in three out of four violent crimes against women and children, some irresponsible adult or juvenile is getting high on drugs and then committing a despicable act against a helpless woman or child.

That is bad enough. But this bill focuses on even more sinister problems, another kind of low-life who uses drugs as a weapon against unsuspecting, helpless women or young girls, someone who fully intends to commit an act of sexual battery against another with the help of a controlled substance. Mr. Speaker, there are literally dozens of drugs, especially sedative, hypnotic drugs, that could be combined with alcohol and used to commit such a crime.

Our bill is not limited to punishing one particular drug. There is no single date rape drug. Earlier this year we heard the reports of how the drug, Rohypnol, known on the streets as roofies, was being slipped into the drinks of unsuspecting women with the intent to induce extensive blackout periods and make them susceptible to sexual crimes without them even knowing it. The use of this drug continues to be a real concern for law enforcement, for drug counselors, for teachers and parents.

According to the Drug Enforcement Administration, Rohypnol has merged as a significant abuse and trafficking problem in the United States. Between 1985 and 1991, the DEA experienced three cases or less each year involving this drug, only three cases back during the years 1985 to 1991. By 1993, that number climbed to 15, primarily, as the chairman of the subcommittee, Mr. BILL MCCOLLUM, said before, in Texas and Florida. And by 1995, the DEA had 38 Rohypnol investigations. This year, the DEA has initiated 108 cases and the U.S. Customs Service has 271 cases. So you can see the progression that is taking place now.

Given this disturbing trend, our bill increases the penalties for possessing drugs like Rohypol to levels comparable to cocaine, heroin, and LSD. The bill also requires the DEA to study whether Rohypnol should be moved to schedule 1 and to submit a report to Congress with its recommendations within 6 months. Regardless of the end result on the side issue of rescheduling, the public at large will be protected now with stiffer penalties imposed for possession of roofies.

Mr. Speaker, any drug like Rohypol that is odorless, colorless, tasteless, which renders someone defenseless, potentially could be the next date rape drug. For instance, I have an article which appeared in the September 11 issue of the San Francisco Chronicle. This article describes how a young 17-year-old girl died after someone slipped a drug called gamma y-hydroxybutyrate into her drink.

That particular drug is not even a controlled substance; it is an allowed drug in this country. Yet that drug is an odorless and almost tasteless drug that was slipped into an unsuspecting victim's drink, and, in this sad case, she did not even survive. This is exactly why we must have an approach that is broader that just one drug. This is why we must be careful not to fool ourselves by branding a particular the date rape drug. We need to go after all of them.

The bill before us today is a common sense, tough response by this Congress to protect the safety and sanctity of young women and children. It sends a very powerful message to any sex offender, anywhere, and any other violent criminal, for that matter, that you will get the book thrown at you for using these kinds of drugs in committing a crime of rape.

So on behalf of Congressman FRED HEINEMAN, the major cosponsor of this bill, and Chairman BILL MCCOLLUM, I ask Members to vote yes on this vital legislation that will stop this heinous crime of date rape. I really do appreciate the support of BOB BARR, who now has taken over management of this bill, for his strong support for the bill.

Mr. SCHUMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much has been said quite eloquently, most recently by the gentleman from New York, about the background of this legislation and why it is necessary. I would simply like to take a few moments to commend him, to commend the chairman of the Subcommittee on Crime, Mr. MCCOLLUM, to commend the other cosponsors of this legislation on both sides of the aisle, for putting forward a piece of legislation in a bipartisan manner with broad-ranging support which it deserves.

Mr. Speaker, the ability or the imagination of drug abusers and criminals to figure out or fashion or come up with or imagine new ways of using controlled substances, mind-altering drugs, that is, is unfortunately limitless. The Congress of the United States, therefore, Mr. Speaker, needs to be vigilant in working with our law enforcement officials to identify these new problems as they develop, not all of which can be foreseen, to maintain the flexibility to meet the challenges posed by new and dangerous uses of drugs and the development of new drugs, given the state of technology to manufacture new drugs.

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We have to do so, Mr. Speaker, in a way that addresses a specific problem yet maintains the proper jurisdictional bases and the proper concept of federalism in the developing of that new legislation to meet these new challenges posed to law enforcement.

This piece of legislation before us today, Mr. Speaker, is a textbook example, I believe, of how to responsibly meet that challenge in a very timely manner and without running afoul of important concepts of federalism. A problem was identified. It has become a crisis to law enforcement. They have come to the Congress, citizens have come to this Congress, and said there is a problem here, please help us. We have met that challenge in a bipartisan manner, Mr. Speaker, in a way that does not expand Federal jurisdiction. It just recognizes that there is a new facet of existing Federal jurisdiction.

I was very honored last week to propose this amendment to a piece of legislation then under consideration in the Committee on the Judiciary, and working with the gentleman from New York [Mr. SOLOMON], with the gentleman from Florida [Mr. MCCOLLUM], with the gentlewoman [Mrs. SCHROEDER], and with others, we were able to present this matter to the Committee on the Judiciary in such a way so that it obtained the support by voice of that great committee.

We have before us today that piece of legislation, which obviously has bipartisan support, as it enjoyed bipartisan last week in the Committee on the Judiciary, and I would ask for its favorable consideration.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 4137, legislation which seeks to addressing the growing and disturbing problem of drug-induced date rape.

Mr. Speaker, rape, regardless of the circumstances, is a terrible act of violence

against women. But what is particularly troubling is a growing trend of sexual violence against women who are unknowingly drugged and then sexually assaulted. Sexual predators have found a dangerous weapon in certain kinds of drugs, and we must recognize and respond to this growing problem.

H.R. 4137 will increase criminal penalties for the possession of certain drugs with the intent to use them to commit crimes of violence, including rape, against another person. The bill puts special emphasis on a drug known as Rohypnol or ''roofies,'' which is commonly used in date rape cases, and also directs the Justice Department to make available educational materials on the use of drugs in rape and sexual assault cases.

Mr. Speaker, the Drug-Induced Rape Prevention and Punishment Act sends a clear message that we will not tolerate crimes of violence against women. I urge my colleagues to join me in supporting this important legislation.

Ms. DUNN of Washington. Mr. Speaker, a special thanks to Mr. SOLOMON, Ms. MOLINARI and all of my colleagues who worked so diligently to move this legislation forward.

As my colleagues know, the incidence of violence and crime against women continues to escalate daily. Criminals and would-be criminals keep finding new ways to victimize women. This bill represents one of the many steps that need to be taken in order to help stop the violation of innocent women. I urge my colleagues to take this vital stride forward.

First and foremost this legislation would impose tough minimum sentences on first-time offenders who distribute what are referred to as ''date-rape drugs'' with the intent to rape. This is only right, Mr. Speaker. These drugs render women helpless. When criminals administer drugs like Rohypnol, their victims are not aware it has been added to their drink because the drug is tasteless and odorless. Rohypnol is intended for use in treating people with severe sleep disorders and is 10 times more powerful than Valium. Unfortunately, it can induce amnesia as a side effect, which in date-rape cases obviously impairs the victim's ability to relay what transpired and to recall who raped them. Rapists prefer Rohypnol because it is fact-acting. It's effects begin within 30 minutes, peak within 2 hours and may persist up to 8 hours or more. Often times, the effects have lasted as much as 24 hours after ingestion.

Mr. SOLOMON's ''Drug-Induced Rape Prevention and Punishment Act'' proposes minimum sentences of not less than 20 years for Rohypnol traffickers and would-be rapists.

Mr. Speaker, this stiff penalty is justified to combat this problem. No parent should have to send a daughter off to college afraid that she might be drugged and victimized by a rapist. We should give those parents whose children have left home reassurance that we have done all we can to deter this criminal behavior.

No woman should have to worry about this heinous act affecting her life. No woman should live in fear that the next beverage she consumes will render her a defenseless victim. That is why this House should stand up today, for women across the country, and say to the cowardly individuals who commit this crime: no more. We must establish zero-tolerance for rape and the use of drugs to commit rape.

I urge passage of this important bill.

Mr. BLILEY. Mr. Speaker. I rise in support of H.R. 4137. We recently have heard several tragic instances of women being sexually assaulted after their drinks were laced with potent sedative drugs. The bill imposes stiff penalties for the unlawful distribution and trafficking of Rohypnol and extends criminal penalties to anyone convicted of using a controlled substance with the intent to commit a sexual battery.

I support the legislation; however, I must point out that the bill has not been fully considered by the committees of jurisdiction. H.R. 4137 was referred to both the Committee on the Judiciary and the Committee on Commerce. Neither committee had an opportunity to report the bill. Given the limited time remaining in this session of Congress, and the importance of this issue, I will not object to this bill moving forward. In doing so, however, the Committee on Commerce in no way is yielding any of its jurisdiction on this and other similar matters.

Mrs. FOWLER. Mr. Speaker, I urge my colleagues to join me in support of this important measure. This is an issue that is too important for politics—especially for someone like me, who has a college-aged daughter.

Drug-induced date rape is the ultimate crime of cowardice. It is intolerable, and this bill sends the message that it will not be tolerated—regardless of what drug is used.

By most accounts, Rohypnol is currently the drug of choice for sex offenders. It is powerful, it is odorless, it is tasteless, and it is cheap. This issue is not just confined to Rohypnol, however: Alcohol has always been and probably will remain the primary date-rape drug.

The real problem here is sex offenders—and we know that if they cannot get Rohypnol they will use something else. That is why H.R. 4137 applies schedule I penalties for the possession of Rohypnol, and also imposes tough penalties on sex offenders who use other drugs to render their victims helpless. Think about your daughters and support this bill.

Mr. BARR of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 4137.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

HUMAN RIGHTS, REFUGEE, AND OTHER FOREIGN RELATIONS PROVISIONS ACT OF 1996

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4036) to strengthen the protection of internationally recognized human rights, as amended.

The Clerk read as follows:

H.R. 4036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—FOREIGN RELATIONS PROVISIONS

Sec. 101. Fees for machine readable visas.
Sec. 102. Report to Congress concerning Cuban emigration policies.
Sec. 103. Extension of certain adjudication provisions.
Sec. 104. Persecution for resistance to coercive population control methods.
Sec. 105. Conduct of certain educational and cultural exchange programs.
Sec. 106. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 107. International Boundary and Water Commission.

TITLE II—FOREIGN ASSISTANCE PROVISIONS

Sec. 201. Human rights reports.
Sec. 202. Assistance for Mauritania.

TITLE I—FOREIGN RELATIONS PROVISIONS

SEC. 101. FEES FOR MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

''(2) For fiscal years 1996 and 1997, not more than $150,000,000 in fees collected under the authority of paragraph (1) for each fiscal year shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of the Department of State's border security program, including the costs of—

''(A) installation and operation of the machine readable visa and automated name-check process;

''(B) improving the quality and security of the United States passport;

''(C) passport and visa fraud investigations; and

''(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

Such fees shall remain available for obligation until expended.

''(3) For any fiscal year, fees collected under the authority of paragraph (1) in excess of the amount specified for such fiscal year under paragraph (2) shall be deposited in the general fund of the Treasury as miscellaneous receipts.''; and

(2) by striking paragraph (5).

SEC. 102. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled ''Update on Monitoring of Cuban Migrant Returnees'' additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

SEC. 103. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 1996'' and inserting ''1996, and 1997''; and

(B) in subsection (e), by striking out ''October 1, 1996'' each place it appears and inserting ''October 1, 1997''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out ''September 30, 1996'' and inserting ''September 30, 1997''.

SEC. 104. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

(a) DEFINITION OF REFUGEE.—

(1) Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: ''For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to such forced procedures, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.''.

(2) Not later than 90 days after the end of each fiscal year, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate describing the number and countries of origin of aliens granted refugee status or asylum under determinations pursuant to the amendment made by paragraph (1). Each such report shall also contain projections regarding the number and countries of origin of aliens that are likely to be granted refugee status or asylum for the subsequent 2 fiscal years.

(b) NUMERICAL LIMITATION.—Section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) is amended by adding at the end the following new paragraph:

''(5) For any fiscal year, not more than a total of 1,000 refugees may be admitted under this subsection or granted asylum under section 208 pursuant to a determination under the third sentence of section 101(a)(42) (relating to persecution for resistance to coercive population control methods).''.

(c) CONTINGENT REPEALER.—Subsections (a) and (b) of this section and the amendments made by such subsections shall not take effect and this section and such amendments are repealed whenever the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is enacted into law (whether before, on, or after the date of the enactment of this Act).

SEC. 105. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy (including but not limited to China, Vietnam, Cambodia, Tibet, and Burma), the Director of the United States Information Agency shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.

SEC. 106. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) Subject to the availability of appropriations, for fiscal year 1997 at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term ''scholarship'' means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 107. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

The Act of May 13, 1924 (49 Stat. 660, 22 U.S.C. 277–277f), is amended in section 3 (22 U.S.C. 277b) by adding at the end the following new subsection:

''(d) Pursuant to the authority of subsection (a) and in order to facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico, the Secretary of State, acting through the United States Commissioner of the International Boundary and Water Commission, may make improvements to the Rio Grande Canalization Project, originally authorized by the Act of August 29, 1935 (49 Stat. 961). Such improvements may include all such works as may be needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso.''.

TITLE II—FOREIGN ASSISTANCE PROVISIONS

SEC. 201. HUMAN RIGHTS REPORTS.

(a) SECTION 116 REPORT.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs:

''(3) the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year;

''(4) the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement; and''.

(b) SECTION 502B REPORT.—Section 502B(b) of such Act (22 U.S.C. 2304(b)) is amended by adding after the second sentence the following new sentence: ''Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year.''.

SEC. 202. ASSISTANCE FOR MAURITANIA.

(a) PROHIBITION.—The President may *should* not provide economic assistance, military assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including—

(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

(2) the rigorous enforcement of such laws.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ECONOMIC ASSISTANCE.—The term ''economic assistance'' means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except that such term does not include humanitarian assistance.

(2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term ''military assistance or arms transfers'' means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.; relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training);

(C) assistance under the ''Foreign Military Financing Program'' under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. MORAN] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first of all want to thank the gentleman from Florida [Mr. MCCOLLUM] for allowing us to sandwich our bill because of a scheduling conflict in between his other bills that are scheduled and to especially thank the gentleman from Virginia [Mr. MORAN] for graciously agreeing to be here tonight and to join us in hopefully passing this important legislation.

Mr. Speaker, very briefly, this legislation is nine provisions, human rights and refugee related. It is a bipartisan bill. It is cosponsored, I am happy to say, by our committee chairman, full committee chairman, the gentleman from New York [Mr. GILMAN], the ranking member, the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. LANTOS], who is ranking on my subcommittee, the gentleman from California [Mr. BERMAN], the gentleman from Illinois [Mr. HYDE], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Pennsylvania [Mr. GOODLING], and others.

It is a consensus bill about what needs to be done in a number of important human rights areas. It also provides some authorities that the State Department would like to have, one especially dealing with machine readable fees to finance border security programs at no cost to the U.S. taxpayer and an authority of the United States to stabilize the channel of the Rio Grande River in accordance with international agreements, and there are also some provisions dealing with USIA.

Mr. Speaker, I do think it is a good bill, and again I ask to put my full statement into the RECORD.

The statement referred to is as follows:

Mr. Speaker, I am pleased to begin this discussion of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. This act, which I am proud to sponsor along with BEN GILMAN, LEE HAMILTON, TOM LANTOS, HOWARD BERMAN, HENRY HYDE, ILEANA ROS-LEHTINEN, and BILL GOODLING, consists of nine provisions that were originally included in H.R 1561, the Foreign Relations Act for Fiscal Years 1996 and 1997, which was passed by the House and Senate last year.

Several provisions of the act extend or enhance authority to conduct important programs that are already underway. Two of these authorities relate to the security of our Nation's borders: The State Department's authority to use machine-readable fees to finance its Border Security Program at no cost to U.S. taxpayers, and the authority of the United States to stabilize the channel of the Rio Grande River in accordance with international agreements.

The act extends the authority of USIA to include Tibetan and Burmese exiles in its scholarship programs, and requires USIA to take appropriate steps to involve pro-democracy and human rights leaders in exchange programs with countries whose people do not fully enjoy freedom and democracy. It also requires that the State Department's Country Reports on Human Rights Practices include reports on each country's votes on resolutions before the U.N. Human Rights Commission, as well as its treatment of refugees. The latter provision is designed to enhance efforts to persuade other countries in the Western Hemisphere and elsewhere to accept their fair share of the world's refugee population, rather than leaving the brunt of the burden on the United States and a few other nations.

The act extends for 1 year the current law relating to refugees in certain high-risk categories, such as Jews and evangelical Christians from the former Soviet Union and Southeast Asians who have suffered persecution for their wartime associations with the United States. It also clarifies the law with respect to forced abortion, forced sterilization, and persecution on account of resistance to such forced procedures. It requires periodic reports on the Castro government's methods of enforcing its immigration agreements with the United States and its treatment of people returned to Cuba in accordance with these agreements.

Finally, the act provides that the United States should not give foreign assistance, other than humanitarian assistance, to Mauritania unless that country rigorously enforces its laws against human chattel slavery. This is a vicious form of persecution—it involves racial discrimination against blacks, religious persecution of Christians, and the worst forms of degradation of women and children. The policies of our Government toward Mauritania must be calculated to put a speedy end to this heinous practice.

None of these sections was a source of controversy in the conference or on the House or Senate floor, and none was alluded to in the statement accompanying the President's veto of H.R. 1561. Several sections have been modified slightly to address concerns expressed by the administration. The act does not authorize expenditures for foreign assistance. We have worked with the administration and with Democrats on the International Relations Committee to meet their concerns. I have been assured that the administration does not oppose this bill and that it actively supports several important provisions of the legislation. Major provisions of this bill are also supported by a broad range of human rights organizations and other groups including the Council of Jewish Federations, the Hebrew Immigrant Aid Society, the Union of Councils for Soviet Jewry, the Lawyers Committee for Human Rights, the U.S. Committee for Refugees, the United States Catholic Conference, the Christian Coalition, the Family Research Council, and the International Campaign for Tibet.

I urge a ''yes'' vote on this important human rights bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume to say that this bill has been modified so that it is truly a bipartisan product. It is supported by a number of the senior ranking members on the Committee on International Relations. It does some good and important things in the area of international human rights, many of which have been described by the gentleman from New Jersey [Mr. SMITH]. As a result, the minority has no objection and urges passage of the bill.

Mr. GILMAN. Mr. Speaker, H.R. 4036 was introduced by my friend, the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey [Mr. SMITH]. I want at this time to thank him once again for his steadfast support in Committee during this very eventful Congress.

This bill consists largely of items culled from the conference report on H.R. 1561 that help enforce human rights around the world or make other, needed changes to the laws involved in the foreign relations of the United States.

Among the matters that are taken up are the extension of the so-called Lautenberg amendment, which provides for expedited consideration for Christians and Jews still in jeopardy in parts of the former Soviet Union, extending the authorization for the State Department to collect the special machine readable visa fee which goes for border security operations, extending certain authorities for the International Boundary and Water Commission's operations on the U.S.-Mexican Border, and several human rights provisions relating to Mauritania and other places.

This bill has wide, deserved support and I commend the gentleman from New Jersey for his perseverance in shepherding it to this point. I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4036, the Human Rights, Refugees and Other Foreign Relations Provisions Act. I support the provisions of the bill that reduce the discretion of U.S. immigration authorities to deny political asylum to individuals who claim coercion by a foreign government to participate in population control programs. This provision will make it easier for immigrants to claim asylum on this basis.

Furthermore, I support the prohibition on economic and military assistance to the Government of Mauritania unless our President certifies that Mauritania has taken action to eliminate slavery.

Another important provision of the bill orders the President to submit reports to Congress regarding the voting record of the U.N. Commissioners on Human Rights on country-specific resolutions. We need to continue to make human rights a major factor in the formulation and implementation of our foreign policy. The President's report must also include information on each country's effort to protect refugees.

With respect to human rights, I would have preferred that the bill contain provisions relating to human rights problems in Ethiopia. While the current government in Ethiopia is much better than the previous government in the area of human rights, there is still much work to be done. I am concerned by reports that academicians, journalists and opposition leaders are being persecuted for their beliefs and efforts against the current government. The State Department should continue to carefully monitor human rights progress in Ethiopia as we allocate funding to Ethiopia in fiscal year 1997.

I urge my colleagues to support this legislation

Mr. PORTER. Mr. Speaker, I am pleased to rise in support of this legislation which would ensure passage of several important provisions which are included in the Immigration bill. Should partisan differences continue to hold up the Immigration bill, we would still be able to address the serious issues of U.S. support to Tibetan and Burmese exiles and reclassification of resistance to reproductive persecution as constituting political persecution under the refugee definition. In addition, this bill will provide continued authorization for one of the most successful aspects of our refugee and asylum law: the protection of high risk refugees such as Soviet Jews.

These measures have already received the support of this House in other legislation. H.R. 4036 will provide a stop-gap to ensure their continuation. I urge my colleagues to support this most worthwhile legislation.

Mr. MORAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 4036, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill making certain provisions with respect to internationally

recognized human rights, refugees, and foreign relations.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4036, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TELEMARKETING FRAUD PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1499) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

H.R. 1499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telemarketing Fraud Punishment and Prevention Act of 1996''.

SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(6) The Court, in sentencing a defendant for an offense under section 2326, shall order that the defendant forfeit to the United States any real or personal property—

''(A) used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense; and

''(B) constituting, derived from, or traceable to the gross receipts that the defendant obtained directly or indirectly as a result of the offense,''.

SEC. 3. SENTENCING GUIDELINES CHANGES.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2326 of title 18, United States Code—

(1) by at least 4 levels if the circumstances authorizing an additional term of imprisonment under section 2326(1) are present; and

(2) by at least 8 levels if the circumstances authorizing an additional term of imprisonment under section 2326(2) are present.

SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LOCATION TO EVADE PROSECUTION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by at least 2 levels if the defendant conducted activities to further the fraud from a foreign country.

SEC. 5. CLARIFICATION OF ENHANCEMENT OF PENALTIES.

Section 2327(a) of title 18, United States Code, is amended by striking ''under this chapter'' and inserting ''for which an enhanced penalty is provided under section 2326 of this title''.

SEC. 6. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting '', or a conspiracy to commit such an offense,'' after ''or 1344''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, older Americans have rapidly become the preferred targets of fraudulent telemarketers. Some of them are lonely, and appreciate having someone to talk to during the day. Many of them are just trusting, and they simply cannot tell a legitimate telephone sales pitch from an illegitimate one.

These elderly victims are tricked into giving money to phony charities, applying for bogus credit cards or paying for unnecessary repairs for their homes. Worst of all, many of them are further scammed when they receive phone calls from people claiming to be private investigators or attorneys who want to help them get their lost money back. Organizers of these so-called ''recovery-room scams'' convince the elderly person that almost all of the already spent money can be recovered—this is, provided that a few thousands dollars are mailed up front first. The cost to consumers for these and other reprehensible telemarketing schemes is currently estimated to be about $40 billion a year.

This past April, the Subcommittee on Crime, which I Chair, held a hearing on telemarketing fraud and victimization of the elderly. Subcommittee members heard from an elderly woman who was swindled by crooked telemarketers, and lost nearly $75,000—practically hear life's savings. Mr. Speaker, this woman was asked at the hearing why she let the phone calls go on for so long. Why didn't she tell her family that she was being targeted? This poor woman responded that she was too ashamed and embarrassed to tell her children. She had lost all the money that she and her late husband had so carefully saved, and she was too humiliated to admit it to anyone. Tragically, that woman's story is not an uncommon one.

Embarrassment is a weapon for these telefrauds, and they freely exploit it. Some even threaten their older victims that control over their credit cards and bank accounts will be taken away from them by their children if they tell anyone how they have lost their money. Humiliation, and the fear of losing of independence, keeps these elderly victims as easy prey for scam artists.

In response to this heartless activity, Mr. HEINEMAN introduced H.R. 1499. Unfortunately he cannot be here with us today because he is at home in this district recovering from surgery, and I know we all wish him a speedy recovery.

Chief HEINEMAN's bill strikes back at those who would take advantage of trusting or vulnerable members of our society. The bill amends §982(a) of title 18, United States Code, by requiring a defendant convicted of fraud involving a telemarketing scam to forfeit property used in the commission of the offense or any proceeds received as a result of the offense. The bill also directs the U.S. Sentencing Commission to amend the sentencing guidelines to increase sentences for telemarketing fraud offenses as defined in section 2326 of title 18, United States Code. The increase shall be at least 4 levels for general telemarketing fraud, and at least 8 levels if the defendant is found to have targeted persons over the age of 55.

Under current law, telemarketers are supposed to be getting up to 10 years in prison for seeking out and victimizing persons over the age of 55. But the sentencing guidelines have never been amended regarding telemarketing fraud, even though Congress encouraged the Commission to do so in 1994. Crooked telemarketers are spending an average of only 1 year in jail. It is undeniable that criminal telemarketers are getting off easy, and this bill will ensure that their sentences are more than doubled.

The bill also adds conspiracy language to section 2336. This addition allows Federal prosecutors to seek out the masterminds behind the boiler rooms—the places where the telemarketers conduct their illegal activities. This conspiracy language will aid prosecutors by allowing them to go after the organizers of these fraudulent activities. This provision was added at the behest of the Department of Justice.

Finally, this bill makes a small, technical clarification to section 2337(a) of title 18. Currently, section 2337 directs the court to order restitution for any offense under this chapter. The bill makes it clear that section 2336 of the telemarketing fraud chapter of title 18 is merely a penalty enhancement section, and not a new Federal offense. The Department of Justice was concerned about this ambiguity, so this language makes clear that there is no new offense under chapter 113A.

Mr. Speaker, I would like to commend my good friend from North Carolina, Mr. HEINEMAN, for his commitment to this issue, and his efforts to combat this serious problem. He introduced H.R. 1499 more than a year ago,

and his dedication to protecting the elderly who are being preyed upon by greedy, heartless crooks is truly admirable. I am very sorry that he is unable to be here to see the fruits of all his efforts, and I urge my colleagues to support the bill.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. This bill strikes at one of the most cynical crimes in America, fraud against older Americans. The unscrupulous crooks who run the schemes that this bill aims at has stolen the life savings of scores of honest, hard-working older Americans. They have driven thousands of others deep into debt. These con artists have turned years that ought to be spent in well-earned hours of enjoyment into hellish nightmares. Unfortunately, many of these schemes operate not only across State lines, but even across international boundaries. Often only the Federal Government has the resources and the jurisdictions to stop a given fraud scheme and punish its perpetrators.

This bill gives the Federal Government a few additional tools to go after those who prey on our parents, grandparents and other older Americans. It allows for criminal forfeiture of property used in such schemes, enhances penalties in cases of telemarketing fraud aimed at persons over 55 years of age, and directs the Sentencing Commission to increase sentencing in cases where criminals operate from foreign countries to evade prosecution.

Mr. Speaker, this is a modest bill, but an important bipartisan blow against crime. I congratulate the chairman for working with us on this measure, and I urge my colleagues to vote for it.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to add to the impact of this legislation as I rise to support H.R. 1499. Not only does it respond to the humiliation that occurs through our senior citizens in their sunset years of which they may be active in community life, but yet somewhat intimidated by those who might prey upon them through telephone fraud. It also impacts the mentally retarded or physically or mentally challenged and other vulnerable consumers.

If there is anything that we hear as we travel about our districts, it is some of the tragic stories that occur from some of the overly aggressive telemarketing efforts to prey upon those individuals that will be easily vulnerable to say a quick ''yes,'' and I think that this legislation helps give a minimal amount of support to those individuals who might clearly have lost their way, well-intended, wanting to be kind, generous in spirit, and yet being preyed upon by those with sinister ideas.

I do not want to see any more of our citizens and their life savings, those individuals who are mentally regarded or mentally challenged and other vulnerable consumers fall prey to these kinds of devastating acts.

So I rise to support this, and I ask my colleagues to support H.R. 1499.

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Ms. LOFGREN. I again urge passage of this bill. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1499, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3456) to provide for the nationwide tracking of convicted sexual predators, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pam Lychner Sexual Offender Tracking and Identification Act of 1996''.

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

''SEC. 170102. FBI DATABASE.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'FBI' means the Federal Bureau of Investigation;

''(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

''(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

''(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1);

''(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

''(C) meets the requirements for verification under section 170101(b)(3); and

''(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

''(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

''(1) each person who has been convicted of a criminal offense against a victim who is a minor;

''(2) each person who has been convicted of a sexually violent offense; and

''(3) each person who is a sexually violent predator.

''(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

''(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

''(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

''(2) for the life of the person, if that person—

''(A) has 2 or more convictions for an offense described in subsection (b);

''(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

''(C) has been determined to be a sexually violent predator.

''(e) VERIFICATION.—

''(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

''(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

''(f) COMMUNITY NOTIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

''(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

''(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

''(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

''(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

''(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate database, with—

''(A) the FBI; and

''(B) the State in which the new residence is established.

''(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

''(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

''(B) the FBI.

''(5) VERIFICATION.—

''(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction from which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

''(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

''(C) VERIFICATION.—

''(i) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

''(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (i), the FBI shall—

''(I) classify the person as being in violation of the registration requirements of the national database; and

''(II) add the name of the person to the National Crime Information Center Wanted person file and create a wanted persons record: *Provided,* That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

''(h) FINGERPRINTS.—

''(1) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

''(2) STATE REGISTRATION SYSTEMS.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

''(i) PENALTY.—A person required to register under paragraph (1), (2), or (3) of subsection (g) who knowingly fails to comply with this section shall—

''(1) in the case of a first offense—

''(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than $100,000; or

''(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than $100,000; or

''(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than $100,000.

''(j) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be disclosed by the FBI—

''(1) to Federal, State, and local criminal justice agencies for—

''(A) law enforcement purposes; and

''(B) community notification in accordance with section 170101(d)(3); and

''(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).''.

''(k) NOTIFICATION UPON RELEASE.—Any State not having established a program described in section 170102(a)(3) must—

''(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

''(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1).''.

SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

''(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

''(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

''(B) for the life of that person if that person—

''(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

''(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

''(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).''.

SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: '', victim rights advocates, and representatives from law enforcement agencies''.

SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

''(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).''.

SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: ''The person shall include with the verification form, fingerprints and a photograph of that person.''.

SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

''(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State Law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.''.

SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and Federal law enforcement agencies, employees of State and Federal law enforcement agencies, and State and Federal officials shall be immune from liability for good faith conduct under section 170102.

SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3456.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3456 is the Sexual Offender Tracking and Identification Act of 1996. It is an important piece of legislation that builds on previous efforts of this Congress to ensure that reliable records are available to keep track of convicted sexual predators. H.R. 3456 amends the Jacob Wetterling Act of 1994 which requires the States to set up sex offender registry programs which require child sex offenders to register their addresses and other pertinent information with local law enforcement upon release from prison. I am pleased to report that since enactment of the Wetterling Act, all 50 States have developed sex offender registration programs and the District of Columbia is expected to follow suit this month.

The States have taken this issue quite seriously and should be commended. But despite these efforts, some child sex offenders are slipping through the cracks. Fifty-one individual State sex offender registration programs would be sufficient if sex offenders never moved out of State. Unfortunately, they do. These offenders tend to be particularly transient individuals and have already found ways of getting lost in the paperwork by simply crossing State lines. Moreover, although the Wetterling Act requires States to forward copies of their registry information to the FBI, essentially nothing is done with the information. Because the FBI was not directed to do so, it has not taken a proactive stance in obtaining this information. It is simply a receptacle.

Mr. Speaker, I think it has become clear that while the Wetterling Act has significantly improved our ability to keep track of convicted sex offenders, there are new obstacles that must be addressed. H.R. 3456, the Sexual Offender Tracking and Identification Act of 1996, will do just that.

The sponsor of this bill, the gentleman from New Jersey [Mr. ZIMMER], deserves special recognition for his years of work to implement Federal and State recordkeeping procedures for child sex predators. Mr. ZIMMER was instrumental in fighting for final passage of the Jacob Wetterling Act in 1994, and was the original sponsor of Megan's Law, a bill this Congress passed earlier this session which strengthened community notification laws with regard to registered sex offenders. H.R. 3456, Sexual Offender Tracking and Identification Act of 1996 is yet another step to strengthen these efforts.

Mr. Speaker, let me briefly describe what the bill does: H.R. 3456 establishes a national database, using existing FBI criminal record keeping systems, to keep track of individuals who have been convicted of sexual offenses against minors or other sexually violent offenses, and who have completed their prison sentences. This initiative will ensure that these offenders, who have a recidivism rate estimated to be 10 times greater than other criminals, will be tracked by State authorities, and, as they move from State to State, by the FBI. If an offender fails to register at any time, he will be subjected to tougher penalties and—with the help of the FBI's national ''Wanted Persons Index''—be brought to justice.

Now, as some of you may recall, on August 24, 1996, President Clinton issued an Executive Order to the Attorney General to begin work on a Sex Offender Registry Network which is very similar to the type of national database program proposed in H.R. 3456. This presidential directive will ensure that the Justice Department and the FBI have a national network operational in 6 months. I commend the President on his commitment to this issue. However, this directive is only the first step. H.R. 3456 is a necessary component to the establishment of a national system and will serve to compliment and even strengthen the President's Executive Order. In addition, unlike the President's proposal, H.R. 3456 improves verification procedures by requiring offenders to provide fingerprints and a photo in addition to the signed verification form required under current law and also establishes criminal penalties for failure to meet interstate registration requirements. H.R. 3456 has received strong support from the Department of Justice and the National Center for Missing and Exploited Children.

Now, the bill in the form which is being considered today contains a few modifications from the bill as it was introduced. These modifications are largely technical and clarifying changes that were requested by the FBI. In addition, H.R. 3456, in the form that we are considering, is identical to the Senate version of the bill which passed by voice vote last July.

Mr. Speaker, sexual offenders not only victimize the women and children upon which they prey, they victimize society as a whole. As a nation, we have depleted sense of trust and security because of these individuals. It is well recognized that sexual predators are remarkably clever and persistently transient. These offenders are not confined within State lines—neither should our efforts to keep track of them. By establishing a national registration program. H.R. 3456 will serve as an effective crime fighting tool for State and Federal law enforcement across the country. Again, I commend the gentleman from New Jersey [Mr. ZIMMER] for sponsoring this bill, and I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this bill. Mr. Speaker, I support this legislation, which strengthens and improves the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

The Jacob Wetterling Act, enacted as part of the 1994 crime bill, requires states to enact laws to register and track criminals who are the most violent, the most horrible and the least likely to be rehabilitated—criminals who attack children and who are sexually violent predators.

Since the enactment of Jacob Wetterling, states have made great progress in building effective tracking systems. To make sure that these criminals are tracked however, this legislation does three important things:

First, it creates a nationwide system that will help state and local law enforcement track offenders as they move from state to state;

Second, while most States have established or are about to establish tracking systems, this legislation will ensure that there is no place—no one state—where sexual predators can hide and not register. This system will track all offenders even if a specific state does not track such criminals.

Finally, this legislation ensures that the most serious predators will be registered with law enforcement officials for the rest of their lives.

This legislation works by requiring all offenders to verify their addresses on a regular basis by returning verification cards with their fingerprints and a recent photograph. A nationwide warning will be issued whenever an offender fails to verify his address or when an offender cannot be located. There are also tough penalties for offenders who deliberately fail to register.

I am pleased that we have worked in a bipartisan fashion to protect our Nation's children from sexual predators, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ZIMMER], the author of this bill.

Mr. ZIMMER. I thank the gentleman for yielding time to me, and I thank him for his expeditious consideration of this legislation and for his concern, which stretches back for years, for the problem of sexual predators and the need to track their movements and to notify communities of their whereabouts.

Mr. Speaker, we have all heard some of the chilling stories. In Arlington, TX, Amber Hagerman was dragged from her bicycle and never seen alive again. Police have no suspects, but they think the crime was committed by a sexual predator. In California, 12-year-old Polly Klaas was abducted from her own bedroom and brutally murdered. Her killer had been out on parole 3 months, and twice before had been arrested for kidnaping.

In Manalapan Township, NJ, little Amanda Wengert was murdered by a previously convicted sex offender, and in Hamilton Township, NJ, 7-year-old

Megan Kanka was raped and murdered, allegedly by a twice-convicted sex offender who lived across the street from her family.

As evidenced by these tragic events, there is a need to arm communities with information about the whereabouts of previously convicted sex offenders. In many instances, lives could have been saved if only communities had known about these dangerous predators.

After the death of Megan Kanka, her parents, Richard and Maureen Kanka, mobilized New Jersey and the entire Nation in the fight for community notification of the presence of sexual offenders. Had they known that an offender lived directly across the street from them, the Kankas would have been able to protect Megan from harm, and Megan would be alive today.

On May 17, 2 years of hard work by Rich and Maureen Kanka reached their culmination when the President signed into law my Federal Megan's Law. As a result, local law enforcement agencies in all 50 States must now notify schools, day care centers, and parents, the people who need to know, about the presence of dangerous predators.

But we still have to do more. We need to make sure that when sexual predators move from State to State, we do not lose track of them. All 50 States have registration now. Forty-one have some sort of notification system, and 27 have active dissemination of this information to the public. But unless we make this a unified, seamless, national system, community notification will not be fully successful.

My bill will establish a nationwide tracking system to keep tabs on sex offenders as they move from State to State, and provide a backup system for the States themselves. My legislation requires offenders to verify their address periodically by returning verification cards, along with their fingerprints. It requires a nationwide warning to be issued whenever the offender fails to verify his address or when the offender cannot be located.

H.R. 3456 establishes tough penalties for offenders who willfully fail to register and keep up with their verification requirements, and requires the FBI to ensure local authorities are notified every time a sex offender moves into or out of the local jurisdiction.

My bill continues to preserve State authority in determining exactly what sort of notification will be required when a sexual predator moves into the neighborhood.

In July, the other body passed its own FBI sexual predator tracking bill, S. 1675, sponsored by Senators GRAMM and BIDEN. My legislation, as amended, is identical to S. 1675. The amendments made in the Senate all make this a better bill. If we pass H.R. 3456 today, it will go directly to the President, who has pledged to sign it into law.

Mr. Speaker, now that so many States have effective registration systems and tracking systems, we need to take the next step. We have to build a system where all movements of sexually violent child molesters can be tracked so that no predator can cross a State line and simply disappear.

This, in fact, is exactly what happened in the case of the predator whose case was considered by the New Jersey State Supreme Court when it upheld the validity of our State Megan's Law. He left New Jersey, and although his lawyers may know his whereabouts, no one else does.

I ask my colleagues to vote for H.R. 3456.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague from California for yielding me time to debate this bill.

Mr. Speaker, I rise in opposition to the bill. I guess I could sit quietly. This bill is on suspension. I am sure it will pass. I know that I am swimming against the tide. But there are some things that I think need to be said about the bill, and this is not the first time I have said these things about these kinds of bills, so I feel compelled to say them.

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I know that tomorrow when I get the messages off my machine in the office, there will be a line of messages from people saying that I have stood up and defended sex offenders and that I have just lost my mind on this bill. That always happens. But somebody needs to talk about what we are doing here and approach this with some degree of rationality. I hope that at least some people will appreciate how I approach it.

First of all, this bill has not seen itself in the Committee on the Judiciary, which is where bills of this kind normally go for discussion. Not that the result would be any different. I would be the first to concede that if it had come to the Committee on the Judiciary, it would have been voted out and would have been reported to the floor favorably. But the bill in my opinion offends some sensibilities that we as U.S. citizens ought to be aware of.

There are two principles I hold very dearly, because I have been taught about them for as long as I have been in the criminal justice system as a lawyer. First of all is that once a person pays their debt to society, they ought to have the opportunity to put the offense behind them and move on. Under this bill, as under all the Megan's Law bills, there is not that opportunity because the individuals are then, after they have paid their debt to society, required to register with somebody and be basically branded with a badge for the rest of their life under this bill, because this one says that the registration process must go on for life. It used to be 10 years. Now we are extending it to life under this bill.

Second, if one does not register, that in and of itself becomes a crime under this bill, which subjects a person to a penalty of up to 1 year in prison or $100,000, and subsequent offenses up to 10 years in prison and up to $100,000, even if the person has done absolutely nothing else to offend the system. They just simply did not register under this bill.

Well, it offends me that failure to register should subject somebody to an additional penalty, be put in jail. They have not committed any crime against anybody. They just simply failed to be able to move on with their life.

There is a second concern I have about the bill, and that is a constitutional provision which presumes that every American citizen is innocent of a crime until they are proven guilty. This bill presumes just the opposite. If a person is ever convicted of a sexual offense, for the rest of their life they are presumed guilty of some violation. They cannot move into a community and put that incident behind them. They cannot refuse to register without subjecting themselves to additional penalties.

So the whole presumption of innocence goes by the board once a person commits some crime for which they have already been sentenced, served their time, paid their debt to society and yet somehow under this bill they are presumed guilty for the balance of their life. I think those two principles, in my estimation, are simply un-American.

This can be politically popular. I am sure it is. I mean, Mr. GRAMM and Mr. BIDEN, on opposite sides of the political fence. The President, I am sure, will sign the bill. Most of the public will say that this is something that we should not be concerned about, but I think we are going overboard and we are going further and further overboard the more we beat our chest and sound even tougher on these crimes, which in this bill simply happens to be, well, they did not register.

I do not want a Government that requires me, or any citizen, to register. I think that is un-American, and I think it is something that we all ought to be concerned about. I appreciate the gentlewoman yielding me this time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I find what the gentleman said stated eloquently as the gentleman from North Carolina usually states it in his reservations about such legislation as this where we see differently, but I think he is being a little bit too creative with regard to the presumption of innocence comments he made. Remember that the person who is registering here and being registered, or required to register, is somebody who has been convicted of a sexual offense; could well be, probably has been, a child molester of some sort. That is not unlikely under this provision to be the case. And, frankly, that person has already been convicted and

this is really part of what the consequences are that go with being convicted of the acts that are delineated in the bill. And for better or for worse, the bottom line of why we need this legislation is that history shows us that people who commit these kind of crimes are likely to get out of jail and commit them again. It is not true that everybody does. But there is a high probability of that in many cases. And so consequently this is not punishment for some act that might occur in the future. This is an additional burden that somebody is going to bear as a result of the act that they have already committed and been convicted of. I would submit that the registration and in this case this bill's provision that give the FBI and so forth a chance to really follow these people across State lines is very, very important, and the gentleman from New Jersey should be commended for this, although notwithstanding I understand the gentleman from North Carolina's reservations.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I just want to say something briefly. I strongly believe that we ought to pass this bill, but I did want to say something about my colleague the gentleman from North Carolina [Mr. WATT], because, as he mentioned, it cannot be a popular position to stand up and speak what you think the Constitution calls out for. I disagree with him on the conclusion that he has reached and as the chairman has pointed out in this case, the presumption of innocence ends when the conviction is obtained under due process of law. I take the view of the gentleman from Florida [Mr. MCCOLLUM]. I do think the recidivism rate among child molesters is the highest of any crime. I frankly would prefer life sentences for those who would prey upon children in this way, but until that happens in every State, we are going to have to deal with people who have been released from prison and who still pose threats to children.

So I did want to say that but also to note that the gentleman from North Carolina [Mr. WATT], although I do not agree with him on this issue, has certainly shown integrity in standing up for what he believes the Constitution requires.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Mrs. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentlewoman from California for her leadership on these issues. We have worked together in Judiciary, and I thank the chairman for bringing this legislation, and I thank the chairman for bringing this legislation, and to the gentleman from New Jersey [Mr. ZIMMER], and the bipartisan spirit that it has been brought.

The gentleman from New Jersey in his presentation offered a litany, a very tragic litany, a rollcall, if you will, of the lives of children lost around the Nation. He cited those names which many of us know because of the large amount of publicity that was given to these individuals. But for every one of those children, I imagine any one of us could go to our communities and cite just enormous tragedies that have occurred by those pedophiles, sexual offenders who have preyed upon children.

What comes to mind is, again in my community, the tragedy of a Monique Miller. She was 4 years old. The individual who was charged with the sex crime, the vicious murder that resulted in her death, was someone who was mentally challenged, if you will. And, of course, part of the defense did raise the question of this person's inability to understand what they had done.

Monique Miller, however, is dead. And in the course of the loss of her life, it was a very tragic and brutal killing. It was only after three or four trials that this individual was ultimately convicted. Can you imagine the experience of that parent who time after time to appear in that courtroom just to get a conviction?

I want to laws on this country to work. I believe that anyone accused of a crime should have due process, be treated fairly in the court system. But sexual predators who have been convicted of the most violent sexual offenses or are a repeat child sexual offender remain a threat even after they may have served their prison sentences. And I might say that the murderer of Monique Miller, no matter how long his time may be in prison, will remain a threat to this society.

It is a known fact that the scientific community has concluded that most pedophiles cannot control themselves. Some have even admitted it themselves. In fact, we have another very massively publicized incident in Texas where one of the pedophiles who was about to be released asked to be castrated. This is not a time on the floor of the House that I wish to debate that procedure, and I am not suggesting it, advocating it or encouraging it. I am saying that was a pedophile, an offender who himself wanted some procedure to occur because he felt he could not control himself. So, therefore, we are responsible as legislators to control these individuals and to safeguard our childern after these individuals leave the prison.

This bill would expand the tracking of those individuals by establishing a nationwide system managed by the FBI. That system would be made available for access by Federal, State, and local law enforcement officials. These sexual offenders will be required to register with this nationwide system. If they move, we do not lose them. We are able to track them. We will be able to again notify the system of their whereabouts. If they fall to do so, they face a stiff punishment.

It is more tragic than having these individuals be required to register for an innocent community to be preyed upon by this individual who cannot control their vicious desires. Thus the data base would track all intrastate and interstate movements of sex offenders, even States that have no offender registration. Let me commend the author of this legislation for his persistence. These offenders would provide the system with their fingerprints and photographs.

Let me say this: Anyone that moves into a community, that has been reborn, no longer has the desire, can live in peace. This legislation does not go out and seek individuals who have been released to disrupt their lives. What it does say, however, is that the commuity is notified, and the community is, in fact, the controller of our society and our environment. Why should they not have information that may disrupt their environment, their community, their children?

If this individual is in fact someone who has made amend, someone who has sought forgiveness and repentance, someone who is born again, then that person will live in peace in this community. But if they are not, if this sickness still preys upon their mind and they pose a threat, with this legislation I would simply say thank God that the local Law enforcement will not be left hapless and helpless, without any way to seek and to find this predator that now is in the community.

Violent sexual predators, repeat child abusers and repeat sex offenders will be in the system for life under this act. That only makes sense in light of the facts before us. Again let me say that I considered the idea of a reasoned civil libertarian response to following people to travel freely in this Nation.

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I think it is important that we stand on the side of civil liberties. But when I think of an innocent child, one who cannot defend herself or himself, one who cannot speak for themselves, one who may be torn away from the parent, torn away from the custodian, torn away from the guardian, who is now with someone who preys upon them, then my voice raises for that innocent child against that violent sex offender, against that child abuser, against that murderer. In fact, my voice rises for all of the innocent children in this county. It rises for Monique Miller in my community and all other children that this legislation is the right way to go, the best way to go, to protect further our children in this Nation.

Mr. Speaker, I rise today in support of this bill. It will allow local communities and the FBI to track some of the worst elements of our society. Sexual predators who have been convicted for the most violent sexual offenses or are a repeat child sexual offender remain a

threat even after they may have served their prison sentences. The scientific community has concluded that most pedophiles can not control themselves. Some have even admitted it themselves. Their whereabouts after the leave prison therefore needs to be tracked to safeguard the children in the communities where they live.

This bill amends the 1994 crime law which now allows for the registration and tracking of offenders who have committed such crimes against children or sexually violent crimes. The bill would expand the tracking of those individuals by establishing a nationwide system managed by the FBI. That system would be made available for access by Federal, State, and local law enforcement officials.

These sexual offenders will be required to register with this nationwide system. If they moved, they would be again required to notify the system of their whereabouts. And if they fail to do so, they face stiff punishment.

Thus, the database would track all intrastate and interstate movements of sex offenders, even into States that have no offender registration. These offenders would provide the system with their fingerprints and photographs. The FBI can then release the information to local authorities where the offenders live.

Violent sexual predators, repeat child abusers and repeat sex offenders will be in the system for life under this act. That only makes sense in light of the facts before us. This is an important piece of legislation that can directly protect innocent lives and I urge my colleagues to vote for H.R. 3456.

Ms. LOFGREN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for the time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3456, as amended.

The question was taken.

Mr. ZIMMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1996

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2092) to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Private Security Officer Quality Assurance Act of 1996''.

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) the private security industry provides numerous opportunities for entry-level job applicants, including individuals suffering from unemployment due to economic conditions or dislocations;

(3) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are only supplemented by private security officers who provide prevention and reporting services in support of, but not in place of, regular sworn police;

(4) given the growth of large private shopping malls, and the consequent reduction in the number of public shopping streets, the American public is more likely to have contact with private security personnel in the course of a day than with sworn law enforcement officers;

(5) regardless of the differences in their duties, skill, and responsibilities, the public has difficulty in discerning the difference between sworn law enforcement officers and private security personnel; and

(6) the American public demands the employment of qualified, well-trained private security personnel as an adjunct, but not a replacement for sworn law enforcement officers.

SEC. 3. BACKGROUND CHECKS.

(A) IN GENERAL.—An association of employers of private security officers, designated for the purpose of this section by the Attorney General, may submit fingerprints or other methods of positive identification approved by the Attorney General, to the Attorney General on behalf of any applicant for a State license or certificate or registration as a private security officer or employer of private security officers. In response to such a submission, the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which such applicant has applied.

(b) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information and audits and recordkeeping and the imposition of fees necessary for the recovery of costs.

(c) REPORT.—The Attorney General shall report to the Senate and House Committees on the Judiciary 2 years after the date of enactment of this bill on the number of inquiries made by the association of employers under this section and their disposition.

SEC. 4 SENSE OF CONGRESS.

It is the sense of Congress that States should participate in the background check system established under section 3.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''employee'' includes an applicant for employment;

(2) the term ''employer'' means any person that—

(A) employs one or more private security officers; or

(B) provides, as an independent contractor, for consideration, the services of one or more private security officers (possibly including oneself);

(3) the term ''private security officer''—

(A) means—

(i) an individual who performs security services, full or part time, for consideration as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes whose primary duty is to perform security services, or

(ii) an individual who is an employee of an electronic security system company who is engaged in one or more of the following activities in the State: burglar alarm technician, fire alarm technician, closed circuit television technician, access control technician, or security system monitor; but

(B) does not include—

(i) sworn police officers who have law enforcement powers in the State,

(ii) attorneys, accountants, and other professionals who are otherwise licensed in the State,

(iii) employees whose duties are primarily internal audit or credit functions,

(iv) persons whose duties may incidentally include the reporting or apprehension of shoplifters or trespassers, or

(v) an individual on active duty in the military service;

(4) the term ''certificate of registration'' means a license, permit, certificate, registration card, or other formal written permission from the State for the person to engage in providing security services;

(5) the term ''security services'' means the performance of one or more of the following:

(A) the observation or reporting of intrusion, larceny, vandalism, fire or trespass;

(B) the deterrence of theft or misappropriation of any goods, money, or other item of value;

(C) the observation or reporting of any unlawful activity;

(D) the protection of individuals or property, including proprietary information, from harm or misappropriation;

(E) the control of access to premises being protected;

(F) the secure movement of prisoners;

(G) the maintenance of order and safety at athletic, entertainment, or other public activities;

(H) the provision of canine services for protecting premises or for the detection of any unlawful device or substance; and

(I) the transportation of money or other valuables by armored vehicle; and

(6) the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Georgia [Mr. BARR].

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2092.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in this great body in support of passage of the Private Security Officer Quality Assurance Act. I introduced this legislation in the first session of this Congress along with our colleague, the gentleman from California [Mr. MARTINEZ]

who could not be here this evening, but has championed this bill not only in this Congress but in the previous Congress as well.

This bill will help ensure that private security officers undergo thorough and timely criminal background checks. The bill is straightforward and simple. It proposes an expedited procedure similar to those in use by the financial and parimutuel industries today to match the fingerprints of job applicants against records maintained by the Federal Bureau of Investigation's Criminal Justice Services Division.

Mr. Speaker, there are more than 1.5 million private security officers in the United States. The security industry is dynamic, and there is great pressure to meet ongoing need to hire qualified personnel as vacancies occur. Thorough reviews of job applicants' backgrounds are critical to employers, both to protect assets and to ensure protection for the public. Employers must depend on State and Federal agencies for criminal history information. They need this information promptly, but under existing law, Mr. Speaker, this process can take from 3 to 18 months.

Thirty-nine States now require security contractors to conduct background checks of their personnel, usually requiring fingerprint matches. To obtain a review of FBI records, a cumbersome, unwieldy process is used, leading to lengthy delays. Today an employer must submit prints to the State police agency which forwards them to the bureau where they are processed. The so-called rap sheet is then sent back to the police agency, which then sends these results to the State's agency charged with regulating the industry. That agency then must judge the fitness of the applicant for employment and a decision is made. At that point, if a permit is issued, it is sent to the applicant.

The existing system for private security employers to learn whether an applicant's criminal history disqualifies that person is often cumbersome and time consuming. The typical transaction provides many opportunities for the process to bog down. With State agencies commonly stretched thin by tight budgets, the time required for staff to forward an applicant's fingerprints to the FBI sometimes consumes months.

Still further delays can and do occur after the FBI completes the check and returns the results to the State. As I stated earlier, in many States the results of the background check review then go to a law enforcement agency, then to a separate regulatory agency responsible for security officers, thereby lengthening the process. The bottom line is that in some instances an employer may wait more than a year before learning whether an applicant has a serious criminal record.

Financial institutions were authorized by Congress under Public Law 92–544 to obtain criminal records directly from the FBI. Under that system, which needs to be authorized by law and was authorized by law, the American Bankers Association screens fingerprint cards received from banks for legibility and then forwards them to the FBI for analysis. The rap sheet is then returned directly to the bank. Under this system, the ABA has indicated the process is reduced to about 20 business days.

Congress created another so-called express lane for obtaining criminal record information with the enactment of Public Law 100–413, the Parimutuel Licensing Simplification Act of 1988. This is a similar process to the one used by the ABA, but the rap sheet is sent back to the State regulatory agency, not to the employer. This system approximates that proposed in H.R. 2092.

This bill will authorize the Attorney General to name an association to aggregate fingerprint cards, screen them for legibility, and then forward them to the FBI. The results of the record search would then be forwarded back to the appropriate State officials. By sending the records to State officials rather than to employers, we avoid potential concerns about privacy rights of job applicants. By eliminating several steps from the process, this system should result in a far more efficient system of background checks.

This system has been endorsed by the National Association of State Security and Investigative Regulators. As under current law, fees will be assessed to compensate the FBI for their costs, and there will be no net cost to the Government for this expedited procedure. We have made that clear in the language of the bill, Mr. Speaker.

The bill contains absolutely no mandates for the States. The States are not required to participate in any part of the proposed bill if they elect not to.

I strongly urge this Congress to join in support of H.R. 2092, the Private Security Officer Quality Assurance Act. In so doing, we will be filling in one small but important chink in the armor against terrorism and other crimes that plague us. As the bombing incident in Atlanta recently made very clear, though a small chink in the armor, this is indeed an important one to fill.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

This bill falls into the category of lukewarm ideas that may come back to haunt us. It is strongly, strongly opposed by every major rank and file police organization in the country. The police do not like the bill because they believe it is a further step in the creeping legitimization of private uniform security forces that look like real police, but are not.

They raise a concern that all of us ought to ponder. When you go to a mall or into an office building or into an airport parking lot these days, you see a lot of uniformed police that look like policemen and policewomen, but in fact many of these police are not sworn officers of the law. They do not have the same restraints that Government imposes on sworn officers, they are not backed up by the same system of checks and balances and public liabilities that uniform officers carry and they often are not professionally trained. Yet all too often not one of us here could tell the real cop from the uniformed cop. That is a reason for caution, Mr. Speaker, and it is a reason that a measure very similar to this was soundly defeated in the last Congress when it was offered as an amendment of the 1994 crime bill. That vote was 340 ''noes'' and only 80 ''ayes.''

Additionally, the Justice Department has expressed reservations that the bill would institute procedures that would initially bypass the State criminal record system in favor of direct access to the FBI. The Justice Department believes that this procedure may inhibit the FBI from making the most efficient use of its resources.

Although there are some positive efforts behind this legislation, I think it is important that my colleagues carefully consider the views of the national police organizations when they decide how they wish to vote on this measure. I believe that we can provide guidance to our private security firms and individuals without some of he major obstacles that this legislation imposes.

Mr. Speaker, the goal of H.R. 2092, the Private Security Officer Quality Assurance Act, is to improve the oversight and regulation of private security officers. This is a laudable goal that most Members would support.

Currently, it generally takes up to 18 months for private security companies to get background checks completed. This legislation will enable State regulatory agencies to obtain easy access to the criminal histories of security guard applicants and contains a sense of the Congress provision that encourages States to develop standards for private security officers.

There are some concerns, however, which we must consider as we vote on this bill. Most police organizations have strong reservations about this bill because it seems to blur the distinctions between sworn police officers and private uniformed security guards. Private security guards do not have the same restraints that governments impose on sworn officers. In many cases, they have not been professionally trained and have not been subject to the same system of checks and balances of uniformed police officers.

Some Members of the House may also have concerns about permitting an association of employers of private security guards to conduct criminal history record checks directly with the Federal Bureau of Investigation.

Additionally, the Justice Department has expressed reservations that the bill would institute procedures that would initially bypass the State criminal records system in favor of direct access to the FBI. The Justice Department believes that this procedure may inhibit the FBI

from making the most efficient use of its resources.

I urge my colleagues to carefully review the provisions of this bill and make an informed choice.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. Modest though it may be, I believe this legislation can provide a valuable first step toward assuring that only qualified individuals are hired as private security officers.

H.R. 2092 would accomplish two basic goals. First, it would allow the Attorney General to establish an association of private security guard employers that would, in turn, serve as a clearinghouse for submitting applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would more quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes a Sense of the Congress that simply says that the States should participate in the background check system noted above.

I would note, Mr. Speaker, that the legislation we are considering today is a vast improvement from the bill as originally introduced. In its original form, H.R. 2092 addressed a broad range of employment issues, including a Sense of the Congress that the States should enact statutes imposing potentially onerous registration and training requirements on employers of private security officers. While I strongly support the notion of thoroughly checking the background of all private security officer job applicants, and of assuring an adequate level of training for such applicants, I found the proscriptive nature of the bill's original language—and, its suggestion that these requirements be mandated upon either the States or employers—troubling. For that reason, I am pleased that the bill before us today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092 was originally introduced by Representative BARR of Georgia, and was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee ordered the bill favorably reported by a voice vote on September 18, 1996. Given Congress' impending adjournment, I saw no reason to slow the legislative process; however, these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. FAWELL. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. I believe this legislation will help ensure that only qualified individuals are hired as private security officers, thereby improving the important public service these individuals provide.

H.R. 2092 is not broad in scope; rather, it seeks modest changes that would simply expedite the process by which States and employers can check the backgrounds of individuals applying for private security officer jobs. The bill would accomplish this in two basic ways. First, it would allow the Attorney General to establish an association of private security guard employers. This association would, in turn, serve as an industry clearinghouse that could submit applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes provisions expressing the Sense of the Congress that the States should participate in the background check system noted above.

It is important to note, Mr. Speaker, that the legislation we are considering today is very different—and, much improved—than the bill that was originally introduced. In its original form, H.R. 2092 included lengthy provisions declaring the Sense of the Congress that the States should enact statutes imposing numerous certification and training requirements on employers of private security officers. Although I support the concept of improving efforts to screen and adequately train private security officer job applicants, the bill's focus on achieving these improvements through proscriptive and cumbersome mandates—imposed on either the States or employers—was troubling to me as well as to other Members of our Committee. For that reason, I am pleased that the bill that we take up today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092, which was originally introduced by Representative BARR of Georgia, was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee did, in fact, order the bill favorably reported by a voice vote on September 18, 1996. Given Congress' impending adjournment, I agree with my committee chairman, Mr. GOODLING, that there is no reason to slow the legislative process; however, I also share his view that these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. WATT of North Carolina. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 2092, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166.

The Clerk read as follows:

H. RES. 535

Resolved, That upon adoption of this resolution, the bill H.R. 3166, to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, with the Senate amendments thereto, shall be considered to have been taken from the Speaker's table and the same are agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''False Statements Accountability Act of 1996''.

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

''§ 1001. Statements or entries generally

''(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(2) makes any materially false, fictitious, or fraudulent statement or representation; or

''(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both

''(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

''(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

''(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

''(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with the applicable rules of the House or Senate.''.

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.''.

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by

striking ''Federal Government acting within his official capacity'' and inserting ''executive branch of the Federal Government acting within his or her official capacity, except that this section shall apply if the refusal to comply is based on the assertion of a personal privilege or objection and is not based on a governmental privilege or objection the assertion of which has been authorized by the executive branch of the Federal Government''.

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or ancillary to'' after ''any proceeding before''; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by inserting ''or ancillary to'' after ''a proceeding before'' each place that term appears; and

(B) in paragraph (3), by adding a period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 535.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for decades, section 1001 of title 18 of the United States Code has been a powerful tool in the hands of prosecutors seeking to address the willful misleading of the executive, judicial, and legislative branches. Over the years, section 1001 has been used to prosecute a wide variety of misconduct. Notable prosecutions under section 1001 include those of Colonel North and Admiral Poindexter, and more recently, the case against former Congressman Rostenkowski.

On May 15, 1996, the U.S. Supreme Court dramatically changed Federal criminal law dealing with the offense of willfully misleading a branch of Government. In the case Hubbard versus United States, the Supreme Court limited the application of section 1001 to only the executive branch, leaving the offenses of misleading Congress and the courts outside its scope.

On June 30, 1995, the Crime Subcommittee held a hearing to examine how section 1001 could be amended to ensure that those who willfully mislead any branch of the Government are held accountable. At that hearing, all of the witnesses agreed that law enforcement must have the ability to punish those who willfully mislead the Government. But they further agreed that such an ability must be weighed against our commitment to free speech, a balanced adversarial system of justice, and a genuine separation of power between the three branches of Government.

H.R. 3166 is responsive to the concerns raised at our June hearing. The bill provides us with the means of punishing those who willfully mislead the executive, legislative, and judicial branches, while at the same time avoiding unintended consequences.

The bill applies section 1001 to all three branches of the U.S. Government, with two exceptions. First, the bill has a judicial function exception, which provides that section 1001 does not apply ''to a party to a judicial proceeding or that party's counsel, for statements, representations, writings, or documents submitted by such party or counsel to a judge or magistrate in that proceeding.'' This exception applies the criminal penalties of section 1001 to those representations made to a court when it is acting in its administrative function, and exempts from the scope of section 1001 those representations that are part of a judicial proceeding. The failure to establish such a judicial function exception would allow a prosecutor to threaten his or her opposing counsel with criminal prosecution for statements made by such counsel to a judge in the case before them. Such threats would clearly chill vigorous advocacy, and, as such, would have a substantial detrimental effect on the adversarial process.

The second exception is the legislative function exception. This exception is the result of much work by Members on both sides of the aisle, and much work with the Senate Judiciary Committee. It is agreed to by all these parties. The purpose of this provision is to guard against creating an intimidating atmosphere in which all communications made in the legislative context—including unsworn testimony and constituent mail—would be subject to section 1001's criminal penalties. Such an atmosphere could undermine the free-flow of information that is so vital to the legislative process.

The legislative function exception limits section 1001's application in a legislative context to administrative matters and to any investigation or review that is conducted pursuant to the authority of a committee, subcommittee, commission or Office of Congress, consistent with applicable rules. I think it is important to note that the term ''review,'' as used here, refers to an action that is ordinarily initiated by the chairman of a committee, subcommittee, office, or commission, consistent with the performance of their oversight or enforcement activities. ''Investigation or review'' is not intended to include routine fact gathering or miscellaneous inquiries by committee or personal staff. While the operation of this provision is not contingent on any changes to the Rules of the House, certain changes to the rules may be advisable in the future to provide increased clarity regarding what constitutes an ''investigation or review'' for purposes of this section.

At the same time, section 1001 continues to apply to the many administrative filings that have been covered in the past. As such, it covers Members of Congress who knowingly and willfully lie on their financial disclosure forms, initiate ghost employee schemes, knowingly submit false vouchers, and purchase goods and services with taxpayer dollars.

Importantly, statutes such as perjury and contempt of Congress continue to provide a means of holding accountable those who knowingly and willfully mislead Congress.

I believe that the institutional interests of the Congress, and the interests of the American people, are advanced when unsworn congressional testimony and legislative advocacy occur without the fear of possible criminal prosecution for misstatements. The functioning of this body would be seriously undermined, and the people poorly served, if all statements and correspondence from constituents were subject to criminal prosecution. H.R. 3166 avoids creating such an atmosphere.

The bill includes three additional sections which, along with the amendments to section 1001, help to safeguard the legislative and oversight roles of Congress assigned to it by the Constitution. All of these sections have been worked out and agreed to by both sides in the House and the Senate.

In brief, section three responds to the D.C. Circuit Court's decision in Poindexter and clarifies that a person acting alone may obstruct a congressional inquiry. Section 4 clarifies that resistance to a Senate subpoena by a Federal employee claiming a governmental privilege must be authorized by the executive branch. And section 5 allows Congress to compel an immunized witness to testify at depositions as well as hearings.

I would like to thank my friend from New Jersey, Congressman MARTINI, for his leadership and hard work on this bill. He has been out front on this issue since the Supreme Court handed down Hubbard, and has worked with parties on both sides of the aisle to make sure that we moved a good bill through this House. Mr. MARTINI—I want to congratulate you and your staff on a job well done.

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Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill overturns the 1995 Supreme Court case of United States versus Hubbard in which the Supreme Court overturned 40 years of case law to hold that section 1001 of title 18 of the United States Code does not allow prosecution for false statements made to the judiciary or to Congress. In essence, the Court's holding allows individuals to make false statements to Congress with impunity.

When this bill was originally marked up in subcommittee, I was concerned that legislative advocacy not be

criminalized. At full committee, however, an amendment providing an exception for legislative advocacy was passed unanimously.

In a conference with the Senate, this exception has been further refined. As a result, statements made to Congress for the purpose of legislative advocacy will not be prosecutable. Not only Members of Congress but lobbyists and members of the public will be protected by this provision.

I believe that a legislative advocacy exception is necessary, because in the heat of intense arguments over legislation, positions may be exaggerated or overemphasized. Such statements should not be subject to potential prosecution.

This amendment will ensure that Members of Congress and members of the public will continue to engage in full uncensored debate over legislation. At the same time, this bill does not protect those who make false statements to Congress in other contexts. Lies about financial statements or other administrative matters should be subject to prosecution.

In addition, false statements made to Members of Congress or congressional staff pursuant to authorized investigations would also be subject to criminal prosecution.

In short, this bill overturns the recent Supreme Court case and, once again, makes lying to Congress a Federal crime. But it also includes an important but narrow exception designed to ensure uninhibited debate.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. MARTINI], the author of this bill.

Mr. MARTINI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I am pleased after months of negotiations and discussions within our own House and with the other body that we are finally able to complete the action on this important legislation.

I would like to take this moment to thank the gentleman from Florida, Chairman MCCOLLUM, and the capable Crime Subcommittee counsel Paul McNulty and Dan Bryant, and Dan Gans of my own staff, for their hard work and commitment to bringing this legislation to the floor.

Mr. Speaker, today, upon enactment of this legislation, we will finally know with certainty that individuals who knowingly and intentionally issue a materially fraudulent or false statement to the legislative or judicial branch of the Federal Government will be subject to criminal prosecution under title 18, section 1001, of the United States Code.

As I stated previously, I believe that the public has a right to know that congressional financial disclosure forms and other required congressional filings are filled out truthfully and accurately. Our service in the Congress is based upon mutual trust with the American people.

Citizens should know that Members of Congress and candidates seeking office have provided honest, complete responses on their congressional financial disclosure forms. Only an enforceable Federal false statement statute will protect that valuable trust.

In addition, when Congress receives testimony before the various committees of the House of Representatives, it is only right to expect that the information and statements provided to us by those witnesses is truthful and factual, especially in an investigative setting.

I serve as a member of the Committee on Government Reform and Oversight, which is the primary committee charged with oversight of the entire Federal Government. This past year I have sat through a number of investigative hearings without having the benefit of a viable Federal false statement statute. Having done so, I am convinced, now more than ever, of the necessity for enacting the False Statements Accountability Act.

Mr. Speaker, I have stated time and time again as we debated this issue that this is simply an issue of parity. There is no reason why we would hold false statements issued to Congress or the judiciary with any less severity than those issued to the executive branch.

Before I conclude, some of my colleagues in the House and in the other body had expressed concern that the False Statements Accountability Act needed to include a congressional advocacy exception that would exempt certain types of legislative advocacy from the scope of section 1001. These individuals should be assured that the current compromise version of H.R. 3166 adequately addresses their concerns while simultaneously protecting the veracity and legitimacy of the investigative activities of the Congress.

Mr. Speaker, last week I was concerned that, had we gone home next week without passing H.R. 3166, it would have given the perception that Congress was attempting to avoid consideration of this type of legislation.

Well, I am proud to say that this evening I am part of a Congress that does not tolerate the self-serving interest that too often went unnoticed in the past. For over a year, Congress has not enjoyed the protection of the Federal false statement statute. Enactment of this legislation will clear up any existing ambiguity in the law so that lying to Congress will once again have serious consequences.

In closing, I want to again thank Chairman MCCOLLUM and his staff, and I urge my colleagues to support this bipartisan reform bill.

Mr. GOSS. Mr. Speaker, above the door to the Supreme Court Building are the words ''Equal Justice Under the Law.'' These words apply to all citizens including Members of Congress—but, the Supreme Court decision last spring placed this institution above the law. In Hubbard versus United States the Court held that section 1001 of 18 United States Code is only applicable to individuals who knowingly issue a false statement to the executive branch. This means that individuals—including Members of Congress—who intentionally lie to this institution can no longer be prosecuted under this statute. Following the Supreme Court's decision we witnessed numerous legal briefs filed to dismiss or lessen charges against former Members of Congress. We all know of one former Member that may have received a longer prison sentence for the criminal acts against the American people if Congress was under section 1001. This is not equal justice under the law. We cannot allow criminal activity to go unpunished. H.R. 3166 extends the false statement statute to all three branches of the Government.

It is very clear that individuals doing business with the Government or appearing before a committee are under this statute. H.R. 3166 makes Members of Congress legally accountable to the American people. I support this measure and encourage my colleagues to do the same.

Mr. WATT of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LEWIS of Georgia (during consideration of S. 919). Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas on December 6, 1995, the Committee on Standards of Official Conduct agreed to appoint an outside counsel to conduct an independent, nonpartisan investigation of allegations of ethical misconduct by Speaker New Gingrich;

Whereas, after an eight-month investigation, that outside counsel has submitted an extensive document containing the results of his inquiry;

Whereas the report of the outside counsel cost the taxpayers $500,000;

Whereas the public has a right—and Members of Congress have a responsibility—to examine the work of the outside counsel and

reach an independent judgment concerning the merits of the charges against the Speaker;

Whereas these charges have been before the Ethics Committee for more than two years;

Whereas a failure of the Committee to release the outside counsel's report before the adjournment of the 104th Congress will seriously undermine the credibility of the Ethics Committee and the integrity of the House of Representatives;

Therefore be it resolved that

The Committee on Standards of Official Conduct shall release to the public the outside counsel's report on Speaker Newt Gingrich, including any conclusions, recommendations, attachments, exhibits or accompanying material—no later than Friday, September 27, 1996.

The SPEAKER pro tempore (Mr. DICKEY). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days. The Chair will announce that designation at a later time.

A determination as to whether the resolution constitutes a question of privilege will be made at that later time.

CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1996

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, as amended.

The Clerk read as follows:

S. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child Abuse Prevention and Treatment Act Amendments of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 100. Findings.

Subtitle A—General Program

Sec. 101. Office on Child Abuse and Neglect.
Sec. 102. Advisory Board on Child Abuse and Neglect.
Sec. 103. Repeal of Inter-Agency Task Force on Child Abuse and Neglect.
Sec. 104. National clearinghouse for information relating to child abuse.
Sec. 105. Research, evaluation and assistance activities.
Sec. 106. Grants for demonstration programs.
Sec. 107. State grants for prevention and treatment programs.
Sec. 108. Repeal.
Sec. 109. Miscellaneous requirements.
Sec. 110. Definitions.
Sec. 111. Authorization of appropriations.
Sec. 112. Rule of construction.
Sec. 113. Technical and conforming amendments.

Subtitle B—Community-Based Family Resource and Support Grants

Sec. 121. Establishment of program.

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

Sec. 131. Repeal of title III.

Subtitle D—Miscellaneous Provisions

Sec. 141. Table of contents.
Sec. 142. Repeals of other laws.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

Sec. 201. State demonstration grants.
Sec. 202. Allotments.
Sec. 203. Authorization of appropriations.

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (''Adoption Opportunities Act'')

Sec. 211. Findings and purpose.
Sec. 212. Information and services.
Sec. 213. Authorization of appropriations.

Subtitle C—Abandoned Infants Assistance Act of 1988

Sec. 221. Priority requirement.
Sec. 222. Reauthorization.

Subtitle D—Reauthorization of Various Programs

Sec. 231. Missing Children's Assistance Act.
Sec. 232. Victims of Child Abuse Act of 1990.

TITLE I—AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 100. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), to read as follows:

''(1) each year, close to 1,000,000 American children are victims of abuse and neglect;'';

(2) in paragraph (3)(C), by inserting ''assessment,'' after ''prevention,'';

(3) in paragraph (4)—

(A) by striking ''tens of''; and

(B) by striking ''direct'' and all that follows through the semicolon and inserting ''tangible expenditures, as well as significant intangible costs;'';

(4) in paragraph (7), by striking ''remedy the causes of'' and inserting ''prevent'';

(5) in paragraph (8), by inserting ''safety,'' after ''fosters the health,'';

(6) in paragraph (10)—

(A) by striking ''ensure that every community in the United States has'' and inserting ''assist States and communities with''; and

(B) after ''child'' insert ''and family''; and

(7) in paragraph (11)—

(A) by striking ''child protection'' each place that such term appears and inserting ''child and family protection''; and

(B) in subparagraph (D), by striking ''sufficient''.

Subtitle A—General Program

SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

Section 101 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) is amended to read as follows:

''SEC. 101. OFFICE ON CHILD ABUSE AND NEGLECT.

''(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

''(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.''.

SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

''SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

''(a) APPOINTMENT.—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

''(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

''(c) COMPOSITION.—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

''(1) law (including the judiciary);

''(2) psychology (including child development);

''(3) social services (including child protective services);

''(4) medicine (including pediatrics);

''(5) State and local government;

''(6) organizations providing services to disabled persons;

''(7) organizations providing services to adolescents;

''(8) teachers;

''(9) parent self-help organizations;

''(10) parents' groups;

''(11) voluntary groups;

''(12) family rights groups; and

''(13) children's rights advocates.

''(d) VACANCIES.—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

''(e) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

''(f) DUTIES.—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

''(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

''(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

''(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.''.

SEC. 103. REPEAL OF INTER-AGENCY TASK FORCE ON CHILD ABUSE AND NEGLECT.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103) is repealed.

SEC. 104. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), to read as follows:

''(a) ESTABLISHMENT.—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Director'' and inserting ''Secretary'';

(B) in paragraph (1)—

(i) by inserting ''assessment,'' after ''prevention,''; and

(ii) by striking '', including'' and all that follows and inserting ''; and'';

(C) in paragraph (2)—

(i) in subparagraph (A), by striking ''general population'' and inserting ''United States'';

(ii) in subparagraph (B), by adding ''and'' at the end;

(iii) in subparagraph (C), by striking ''; and'' at the end and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''In establishing'' and inserting the following:

''(1) IN GENERAL.—In establishing''; and

(ii) by striking ''Director'' and inserting ''Secretary'';

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving the text of subparagraphs (A) through (D) (as redesignated) 2 ems to the right;

(C) in subparagraph (B) (as redesignated), by striking ''that is represented on the task force'' and inserting ''involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses'';

(D) in subparagraph (C) (as redesignated), by striking ''State, regional'' and all that follows and inserting the following: ''Federal, State, regional, and local child welfare data systems which shall include—

''(i) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

''(ii) information on the number of deaths due to child abuse and neglect;'';

(E) by redesignating subparagraph (D) (as redesignated) as subparagraph (F);

(F) by inserting after subparagraph (C) (as redesignated), the following new subparagraphs:

''(D) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary;

''(E) compile, analyze, and publish a summary of the research conducted under section 105(a); and''; and

(G) by adding at the end the following:

''(2) CONFIDENTIALITY REQUIREMENT.—In carrying out paragraph (1)(D), the Secretary shall ensure that methods are established and implemented to preserve the confidentiality of records relating to case specific data.''.

SEC. 105. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking '', through the Center, conduct research on'' and inserting '', in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on'';

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) the nature and scope of child abuse and neglect;'';

(D) in subparagraph (B) (as so redesignated), to read as follows:

''(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;''; and

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii);

(ii) in clause (iii), to read as follows:

''(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;''; and

(iii) by adding at the end the following:

''(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

''(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

''(v) the extent to which the lack of adequate resources and the lack of adequate training of individuals required by law to report suspected cases of child abuse have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

''(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

''(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

''(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

''(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''and demonstration''; and

(ii) by striking ''paragraph (1)(A) and activities under section 106'' and inserting ''paragraph (1)''; and

(B) in subparagraph (B), by striking ''and demonstration''.

(b) REPEAL.—Subsection (b) of section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is repealed.

(c) TECHNICAL ASSISTANCE.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(c)) is amended—

(1) by striking ''(c)'' and inserting ''(b)'';

(2) by striking ''The Secretary'' and inserting:

''(1) IN GENERAL.—The Secretary'';

(3) by striking '', through the Center,'';

(4) by inserting ''State and local'' before ''public and nonprofit'';

(5) by inserting ''assessment,'' before ''identification''; and

(6) by adding at the end thereof the following new paragraphs:

''(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

''(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to mitigate psychological trauma to the child victim; and

''(C) effective programs carried out by the States under titles I and II.

''(3) DISSEMINATION.—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.''.

(d) GRANTS AND CONTRACTS.—Section 105(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) by striking ''(d)'' and inserting ''(c)''; and

(2) in paragraph (2), by striking the second sentence.

(e) PEER REVIEW.—Section 105(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the heading preceding paragraph (1), by striking ''(e)'' and inserting ''(d)'';

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''establish a formal'' and inserting '', in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious'';

(ii) by striking ''and contracts''; and

(iii) by adding at the end thereof the following new sentence: ''The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.''; and

(B) in subparagraph (B)—

(i) by striking ''Office of Human Development'' and inserting ''Administration on Children and Families''; and

(ii) by adding at the end thereof the following new sentence: ''The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking '', contract, or other financial assistance''; and

(B) by adding at the end thereof the following flush sentence:

''The Secretary shall award grants under this section on the basis of competitive review.''; and

(4) in paragraph (3)(B), by striking ''subsection (e)(2)(B)'' each place it appears and inserting ''paragraph (2)(B)''.

(f) TECHNICAL AMENDMENT.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended in the section

heading by striking ''**OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT**''.

SEC. 106. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by striking ''or service'';

(2) in subsection (a), to read as follows:

''(a) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may make grants to, and enter into contracts with, public agencies or private nonprofit agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

''(1) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

''(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

''(B) to improve the recruitment, selection, and training of volunteers serving in public and private nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

''(C) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

''(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

''(3) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

''(A) IN GENERAL.—The Secretary may award grants to public and private nonprofit agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

''(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

''(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(iii) provides further investigation and intensive intervention where the child's safety is in jeopardy.

''(B) KINSHIP CARE.—The Secretary may award grants to public and private nonprofit entities in not more than 10 States to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child and where such relatives comply with the State child protection standards.

''(C) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

''(i) for court-ordered supervised visitation between children and abusing parents; and

''(ii) to safely facilitate the exchange of children for visits with noncustodian parents in cases of domestic violence.'';

(3) by striking subsection (b);

(4) by redesignating subsection (c) as subsection (b)

(5) in subsection (b) (as redesignated)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) through (7) as paragraphs (1) through (5), respectively; and

(6) by adding at the end the following new subsection:

''(c) EVALUATION.—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.''.

SEC. 107. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended to read as follows:

''SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

''(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in—

''(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

''(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

''(B) improving legal preparation and representation, including—

''(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

''(ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

''(3) case management and delivery of services provided to children and their families;

''(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

''(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

''(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

''(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

''(8) developing, implementing, or operating—

''(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

''(ii) the parents of such infants; and

''(B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(i) existing social and health services;

''(ii) financial assistance; and

''(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

''(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

''(b) ELIGIBILITY REQUIREMENTS.—

''(1) STATE PLAN.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.

''(B) ADDITIONAL REQUIREMENT.—After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

''(2) COORDINATION.—A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title, including—

''(A) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes—

''(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

''(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

''(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;

''(iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

''(v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

''(I) individuals who are the subject of the report;

''(II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

''(III) child abuse citizen review panels;

''(IV) child fatality review panels;

''(V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

''(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

''(vi) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

''(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse or neglect;

''(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment;

''(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (or both), shall be appointed to represent the child in such proceedings—

''(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

''(II) to make recommendations to the court concerning the best interests of the child;

''(x) the establishment of citizen review panels in accordance with subsection (c);

''(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section—

''(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

''(II) by which individuals who disagree with an official finding of abuse or neglect can appeal such finding;

''(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction—

''(I) to have committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

''(II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

''(III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or

''(IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; and

''(xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case by case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);

''(B) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

''(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

''(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

''(iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions;

''(C) a description of—

''(i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

''(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; and

''(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; and

''(D) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act comply with the requirements set forth in paragraph (1) and this paragraph.

''(3) LIMITATION.—With regard to clauses (v) and (vi) of paragraph (2)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'near fatality' means an act that, as certified by a physician, places the child in serious or critical condition; and

''(B) the term 'serious bodily injury' means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

''(c) CITIZEN REVIEW PANELS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

''(B) EXCEPTIONS.—

''(i) ESTABLISHMENT OF PANELS BY STATES RECEIVING MINIMUM ALLOTMENT.—A State that receives the minimum allotment of $175,000 under section 203(b)(1)(A) for a fiscal year shall establish not less than 1 citizen review panel.

''(ii) DESIGNATION OF EXISTING ENTITIES.—A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

''(2) MEMBERSHIP.—Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

''(3) MEETINGS.—Each panel established pursuant to paragraph (1) shall meet not less than once every 3 months.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—Each panel established pursuant to paragraph (1) shall, by examining the policies and procedures of State and local agencies and where appropriate, specific cases, evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with—

''(i) the State plan under subsection (b);

''(ii) the child protection standards set forth in subsection (b); and

''(iii) any other criteria that the panel considers important to ensure the protection of children, including—

''(I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act; and

''(II) a review of child fatalities and near fatalities (as defined in subsection (b)(4)).

''(B) CONFIDENTIALITY.—

''(i) IN GENERAL.—The members and staff of a panel established under paragraph (1)—

''(I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and

''(II) shall not make public other information unless authorized by State statute.

''(ii) CIVIL SANCTIONS.—Each State that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (i).

''(5) STATE ASSISTANCE.—Each State that establishes a panel pursuant to paragraph (1)—

''(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

''(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

''(6) REPORTS.—Each panel established under paragraph (1) shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the panel.

''(d) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

''(1) The number of children who were reported to the State during the year as abused or neglected.

''(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

''(A) substantiated;

''(B) unsubstantiated; or

''(C) determined to be false.

''(3) Of the number of children described in paragraph (2)—

''(A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;

''(B) the number that received services during the year under the State program funded under this section or an equivalent State program; and

''(C) the number that were removed from their families during the year by disposition of the case.

''(4) The number of families that received preventive services from the State during the year.

''(5) The number of deaths in the State during the year resulting from child abuse or neglect.

''(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

''(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

''(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

''(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

''(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

''(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child.

''(12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

''(e) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (i), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse.''.

SEC. 108. REPEAL.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106b) is repealed.

SEC. 109. MISCELLANEOUS REQUIREMENTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 110. DEFINITIONS.

Section 113 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h) is amended—

(1) by striking paragraphs (1), (2), (5), and (9);

(2)(A) by redesignating paragraphs (3), (4), and (6) through (8) as paragraphs (1) through (5), respectively; and

(B) by redesignating paragraph (10) as paragraph (6);

(3) in paragraph (2) (as redesignated), to read as follows:

''(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;''; and

(4) in paragraph (4)(B) (as redesignated), by inserting '', and in cases of caretaker or inter-familial relationships, statutory rape'' after ''rape''.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)) is amended to read as follows:

''(a) IN GENERAL.—

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, $100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

''(2) DISCRETIONARY ACTIVITIES.—

''(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 30 percent of such amounts to fund discretionary activities under this title.

''(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.''.

SEC. 112. RULE OF CONSTRUCTION.

Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

''SEC. 115. RULE OF CONSTRUCTION.

''(a) IN GENERAL.—Nothing in this Act shall be construed—

''(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian; and

''(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

''(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.''.

SEC. 113. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHILD ABUSE PREVENTION AND TREATMENT ACT.—

(1)(A) Sections 104 through 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104 through 5106a), as amended by this subtitle, are redesignated as sections 103 through 106 of such Act, respectively.

(B) Sections 109 through 114 of the Child Abuse Prevention and Treatment Act (42 U.S.C 5106c through 5106h), as amended by this subtitle, are redesignated as sections 107 through 112 of such Act, respectively.

(C) Section 115 of the Child Abuse Prevention and Treatment Act, as added by section 112 of this Act, is redesignated as section 113 of the Child Abuse Prevention and Treatment Act.

(2) Section 107 of the Child Abuse Prevention and Treatment Act (as redesignated) is amended—

(A) in subsection (a), by striking ''acting through the Center and'';

(B) in subsection (b)(1), by striking ''sections'' and inserting ''section'';

(C) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting a comma after ''maintain''; and

(ii) in subparagraph (F), by adding a semicolon at the end; and

(D) in subsection (d)(1), by adding ''and'' at the end.

(3) Section 110(b) of the Child Abuse Prevention and Treatment Act (as redesignated) is amended by striking ''effectiveness of—'' and all that follows and inserting ''effectiveness of assisted programs in achieving the objectives of section 107.''.

(b) VICTIMS OF CRIME ACT OF 1984.—Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended—

(1) by striking ''1402(d)(2)(D) and (d)(3).'' and inserting ''1402(d)(2)''; and

(2) by striking ''section 4(d)'' and inserting ''section 109''.

Subtitle B—Community-Based Family Resource and Support Grants

SEC. 121. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended to read as follows:

''TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

''SEC. 201. PURPOSE AND AUTHORITY.

''(a) PURPOSE.—It is the purpose of this title—

''(1) to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that coordinate resources among existing education, vocational rehabilitation, disability, respite care, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State; and

''(2) to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.

''(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the 'lead entity') under section 202(1) for the purpose of—

''(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that—

''(A) offer assistance to families;

''(B) provide early, comprehensive support for parents;

''(C) promote the development of parenting skills, especially in young parents and parents with very young children;

''(D) increase family stability;

''(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

''(F) support the additional needs of families with children with disabilities through respite care and other services; and

''(G) decrease the risk of homelessness;

''(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

''(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

''(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

''(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

''SEC. 202. ELIGIBILITY.

''A State shall be eligible for a grant under this title for a fiscal year if—

''(1)(A) the chief executive officer of the State has designated a lead entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite care services integrated with the Statewide network;

''(B) such lead entity is an existing public, quasi-public, or nonprofit private entity (which may be an entity that has not been established pursuant to State legislation, executive order, or any other written authority of the State) with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

''(C) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration equally to a trust fund advisory board of the State or to an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

''(D) in the case of a State that has designated a State trust fund advisory board for purposes of administering funds under this title (as such title was in effect on the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996) and in which one or more entities that leverage Federal, State, and private funds (as described in subparagraph (C)) exist, the chief executive officer shall designate the lead entity only after full consideration of the capacity and expertise of all entities desiring to be designated under subparagraph (A);

''(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

''(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

''(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

''(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

''(3) the chief executive officer of the State provides assurances that the lead entity—

''(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

''(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, comprehensive services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

''(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

''(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

''SEC. 203. AMOUNT OF GRANT.

''(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

''(b) REMAINING AMOUNTS.—

''(1) IN GENERAL.—The Secretary shall allot the amount appropriated under section 210 for a fiscal year and remaining after the reservation under subsection (a) among the States as follows:

''(A) 70 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the number of children under the age of 18 residing in the State bears to the total number of children under the age of 18 residing in all States (except that no State shall receive less than $175,000 under this subparagraph).

''(B) 30 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the State lead agency in the preceding fiscal year bears to the aggregate of the amounts leveraged by all States from private, State, or other non-Federal sources and directed through the lead agency of such States in the preceding fiscal year.

''(2) ADDITIONAL REQUIREMENT.—The Secretary shall provide allotments under paragraph (1) to the State lead entity.

''(c) ALLOCATION.—Funds allotted to a State under this section—

''(1) shall be for a 3-year period; and

''(2) shall be provided by the Secretary to the State on an annual basis, as described in subsection (a).

''SEC. 204. EXISTING GRANTS.

''(a) IN GENERAL.—Notwithstanding the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of the enactment of such Act under any program described in subsection (b), shall continue to receive funds under such program, subject to the original terms under which such funds were provided under the grant, through the end of the applicable grant cycle.

''(b) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

''(1) The Community-Based Family Resource programs under section 201 of this Act, as such section was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

''(2) The Family Support Center programs under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.), as such title was in effect on the day before the date of the enactment of the Child Abuse Prevention and Treatment Act Amendments of 1996.

''(3) The Emergency Child Abuse Prevention Services grant program under section 107A of this Act, as such section was in effect on the day before the date of the enactment of the Human Services Amendments of 1994.

''(4) Programs under the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986.

''SEC. 205. APPLICATION.

''A grant may not be made to a State under this title unless an application therefore is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

''(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

''(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

''(3) an assurance that an inventory of current family resource programs, respite care, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

''(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend in non-Federal funds an amount equal to not less

than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

''(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

''(6) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

''(7) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

''(8) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

''(9) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

''(10) a description of how the applicant entity's activities and those of the network and its members will be evaluated;

''(11) a description of the actions that the applicant entity will take to advocate systemic changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support program services to children and families; and

''(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

"SEC. 206. LOCAL PROGRAM REQUIREMENTS.

''(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

''(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

''(2) develop a strategy to provide, over time, a continuum of preventive, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

''(3) provide—

''(A) core family resource and support services such as—

''(i) parent education, mutual support and self help, and leadership services;

''(ii) outreach services;

''(iii) community and social service referrals; and

''(iv) follow-up services;

''(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite care services to the extent practicable; and

''(C) access to optional services, including—

''(i) referral to and counseling for adoption services for individuals interested in adopting a child or relinquishing their child for adoption;

''(ii) child care, early childhood development and intervention services;

''(iii) referral to services and supports to meet the additional needs of families with children with disabilities;

''(iv) referral to job readiness services;

''(v) referral to educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

''(vi) self-sufficiency and life management skills training;

''(vii) community referral services, including early developmental screening of children; and

''(viii) peer counseling;

''(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

''(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

''(6) participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.

''(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to effective community-based programs serving low income communities and those serving young parents or parents with young children, including community-based family resource and support programs.

"SEC. 207. PERFORMANCE MEASURES.

''A State receiving a grant under this title, through reports provided to the Secretary—

''(1) shall demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

''(2) shall supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

''(3) shall demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(3);

''(4) shall describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

''(5) shall demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

''(6) shall demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

''(7) shall describe the results of a peer review process conducted under the State program; and

''(8) shall demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

"SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

''The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

''(1) to create, operate and maintain a peer review process;

''(2) to create, operate and maintain an information clearinghouse;

''(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

''(4) to create, operate and maintain a computerized communication system between lead entities; and

''(5) to fund State-to-State technical assistance through bi-annual conferences.

"SEC. 209. DEFINITIONS.

''For purposes of this title:

''(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

''(2) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite care services, health and mental health services, employability development and job training, and other social services, including early developmental screening of children, through help lines or other methods.

''(3) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term 'family resource and support program' means a community-based, prevention-focused entity that—

''(A) provides, through direct service, the core services required under this title, including—

''(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

''(ii) services to facilitate the ability of parents to serve as resources to one another (such as through mutual support and parent self-help groups);

''(iii) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

''(iv) community and social services to assist families in obtaining community resources; and

''(v) follow-up services;

''(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite care services; and

''(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

''(i) child care, early childhood development and early intervention services;

''(ii) referral to self-sufficiency and life management skills training;

''(iii) referral to education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

''(iv) referral to services providing job readiness skills;

''(v) child abuse and neglect prevention activities;

''(vi) referral to services that families with children with disabilities or special needs may require;

''(vii) community and social service referral, including early developmental screening of children;

''(viii) peer counseling;

''(ix) referral for substance abuse counseling and treatment; and

''(x) help line services.

''(4) OUTREACH SERVICES.—The term 'outreach services' means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

''(5) RESPITE CARE SERVICES.—The term 'respite care services' means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

''(A) are in danger of abuse or neglect;

''(B) have experienced abuse or neglect; or

''(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title, $66,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.''.

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families At Risk of Homelessness

SEC. 131. REPEAL OF TITLE III.

Title III of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5118 et seq.) is repealed.

Subtitle D—Miscellaneous Provisions

SEC. 141. TABLE OF CONTENTS.

The table of contents of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended to read as follows:

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings.
''TITLE I—GENERAL PROGRAM
''Sec. 101. Office on Child Abuse and Neglect.
''Sec. 102. Advisory Board on Child Abuse and Neglect.
''Sec. 103. National clearinghouse for information relating to child abuse.
''Sec. 104. Research and assistance activities.
''Sec. 105. Grants to public agencies and nonprofit private organizations for demonstration programs and projects.
''Sec. 106. Grants to States for child abuse and neglect prevention and treatment programs.
''Sec. 107. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
''Sec. 108. Miscellaneous requirements relating to assistance.
''Sec. 109. Coordination of child abuse and neglect programs.
''Sec. 110. Reports.
''Sec. 111. Definitions.
''Sec. 112. Authorization of appropriations.
''Sec. 113. Rule of construction.
''TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS
''Sec. 201. Purpose and authority.
''Sec. 202. Eligibility.
''Sec. 203. Amount of grant.
''Sec. 204. Existing grants.
''Sec. 205. Application.
''Sec. 206. Local program requirements.
''Sec. 207. Performance measures.
''Sec. 208. National network for community-based family resource programs.
''Sec. 209. Definitions.
''Sec. 210. Authorization of appropriations.

SEC. 142. REPEALS OF OTHER LAWS.

(a) TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT OF 1986.—The Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) FAMILY SUPPORT CENTERS.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE II—AMENDMENTS TO OTHER ACTS

Subtitle A—Family Violence Prevention and Services Act

SEC. 201. STATE DEMONSTRATION GRANTS.

Section 303(e) of the Family Violence Prevention and Services Act (42 U.S.C. 10420(e)) is amended—

(1) by striking ''following local share'' and inserting ''following non-Federal matching local share''; and

(2) by striking ''20 percent'' and all that follows through ''private sources.'' and inserting ''with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent.''.

SEC. 202. ALLOTMENTS.

Section 304(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(a)(1)) is amended by striking ''$200,000'' and inserting ''$400,000''.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) in subsection (b), by striking ''80'' and inserting ''70''; and

(2) by adding at the end thereof the following new subsections:

''(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

''(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.''.

Subtitle B—Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (''Adoption Opportunities Act'')

SEC. 211. FINDINGS AND PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''50 percent between 1985 and 1990'' and inserting ''61 percent between 1986 and 1994''; and

(ii) by striking ''400,000 children at the end of June, 1990'' and inserting ''452,000 as of June 1994'';

(B) in paragraph (5), by striking ''local'' and inserting ''legal''; and

(C) in paragraph (7), to read as follows:

''(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

''(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

''(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;''; and

(2) in subsection (b)—

(A) by striking ''conditions, by—'' and all that follows through ''Department of Health and Human Services to—'' and inserting ''conditions, by providing a mechanism to—''; and

(B) by redesignating subparagraphs (A) through (C) of paragraph (2), as paragraphs (1) through (3), respectively, and by realigning the margins of such paragraphs accordingly.

SEC. 212. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

''(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;'';

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

''(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;''; and

(3) in subsection (d)(2)—

(A) by striking ''Each'' and inserting ''(A) Each'';

(B) by striking ''for each fiscal year'' and inserting ''that describes the manner in which the State will use funds during the 3-fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be''; and

(C) by adding at the end the following new subparagraph:

''(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

''(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

''(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States.''.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a), by striking ''$10,000,000'' and all that follows through ''203(c)(1)'' and inserting ''$20,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001 to carry out programs and activities authorized'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

Subtitle C—Abandoned Infants Assistance Act of 1988

SEC. 221. PRIORITY REQUIREMENT.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following:

''(h) PRIORITY REQUIREMENT.—In making grants under subsection (a), the Secretary shall give priority to applicants located in States that have developed and implemented procedures for expedited termination of parental rights and placement for adoption of infants determined to be abandoned under State law.''.

SEC. 222. REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking ''$20,000,000'' and all that follows and inserting ''$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001.''.

Subtitle D—Reauthorization of Various Programs

SEC. 231. MISSING CHILDREN'S ASSISTANCE ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking ''To'' and inserting ''(a) IN GENERAL.—To''

(2) by striking ''1993, 1994, 1995, and 1996'' and inserting ''1997 through 2001''; and

(3) by adding at the end the following new subsection:

''(b) EVALUATION.—The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.''.

(b) SPECIAL STUDY AND REPORT.—Section 409 of the Missing Children's Assistance Act (42 U.S.C. 5778) is repealed.

SEC. 232. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking ''and 1996'' and inserting ''1996, and each of the fiscal years 1997 through 2000''; and

(2) in subsection (b)(2), by striking ''and 1996'' and inserting ''1996, and each of the fiscal years 1997 through 2000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to have the opportunity to voice my support for a very important piece of legislation aimed at protecting the most vulnerable segment of this Nation's population—abused and neglected children. This legislation, which was crafted in a bicameral and bipartisan fashion, authorizes and makes critical improvements to the current Child Abuse Prevention and Treatment Act, otherwise known as the CAPTA Program.

First, let me point out some of the successes of the CAPTA Program. Since its passage in 1974, CAPTA has provided valuable research in the area of child abuse and neglect, thereby allowing us to better understand the extent and causes of child abuse, but perhaps most importantly pinpointing promising initiatives at preventing, child abuse and neglect. CAPTA has also provided a vital framework for States under which to establish comprehensive child protective service systems. In addition, CAPTA has provided extensive funding to States and localities for projects which have been instrumental in identifying the most successful strategies to preventing, identifying and responding to child abuse and neglect.

Yet, despite the best efforts of the CAPTA Program, the fact is the incidence of child abuse and neglect continues to rise. In the ''Third National Incidence Study of Child Abuse and Neglect,'' released last week, we learn that child abuse and neglect nearly doubled in the United States from 1.4 million cases in 1986 to 2.8 million in 1993. While I recognize there is some controversy in these numbers, there is no question this Nation faces a serious crisis. Clearly this issue needs to be properly addressed.

Beyond the issue of child abuse is that of child fatalities. A report issued last year found that over 2,000 children die at the hands of their own parents every year, while almost 150,000 children are seriously injured. Buried in the statistics of such studies are the very real and horrific stories of children like Nadine Lockwood, a 4-year-old girl from New York City, who just weeks ago was found to have been starved to death in her own bedroom by her own mother. Tragically, stories such as hers are all too common.

Furthermore the tragedy of child abuse is not solely reflected in statistical data. Too often abused children are left emotionally scarred, find themselves unable to cope in school and in employment, and worse yet, carry their abuse on to their own children and future generations. This vicious cycle must end.

At the same time we find an increasing number of children who are seriously abused, there is also a significant problem related to unsubstantiated reports of child abuse due to insufficient evidence on which to proceed. In fact, of all of the reported cases of child abuse, nearly one-third are never substantiated. While it is clear that some of these cases involve actual abuse that simply is unable to be proven, it is also true that many people report situations which do not constitute legal grounds of abuse or neglect. The most tragic of these cases is where an individual knowingly makes a false report. Beyond the turmoil these cases inflict upon innocent parents, they also preoccupy child protective services which in turn endangers children who are truly being abused.

I will review shortly the changes we have made to CAPTA in order to address this problem. However, let me just point out that among these changes include increased research in the area of unsubstantiated cases of abuse and the impact it is having on child protective services.

Although child abuse and neglect continues to rise in the face of prevention programs such as CAPTA, we simply cannot turn our backs on these children. We must continue to better manage child protection programs—beginning at the Federal level; learn how to respond better to cases of abuse and neglect; and we must emphasize that preventing and curbing the incidence of child abuse begins, not at the Federal level, but instead within our very own communities and neighborhoods.

The amendments to CAPTA, as unanimously passed in the Senate in July, continue this mission—while making much needed improvements. These changes include:

Simplifying and streamlining the administration of the CAPTA program at the Federal, State and local level;

Restructuring and consolidating various research functions into a single coordinated effort, thereby improving the dissemination of critical information on child abuse and successful methods to prevent it, to States, local government and communities;

Placing an increased and significant emphasis on local innovation and experimentation.

Ensuring that persons who maliciously file reports of abuse or neglect will no longer be protected by CAPTA's immunity for reporting. Only good faith reports will be protected; and

Clarifying the definition of child abuse or neglect to provide additional guidance and clarification to States as they endeavor to protect children from abuse and neglect.

The House amendment to S. 919, before us today, maintains these important changes by the Senate and further improves upon the Senate bill by making significant additional changes. These House changes, which are supported by the Senate, coupled with the initial improvements in the Senate bill will further assist abused and neglected children. Under these changes:

No longer will infants who have been abandoned by their parents in hospitals or back alleys be denied the opportunity to be adopted in a timely manner by loving parents. States will be required to have procedures in place to expedite the termination of parental rights, when infants have been abandoned. Currently, when an infant is abandoned, they often end up in ''foster care limbo'' for months, even years, while continued vain attempts are made to reunify the infant with his or her parents who abandoned them in their first hours of life.

No longer will States, in overzealous attempts of ''family preservation,'' place children back into homes where parents have been convicted of egregious acts such as murder, voluntary manslaughter or felony assaults of their own children.

Finally, the changes made in the House will provide new opportunities for citizens—not just child protection bureaucrats—to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect.

With the changes made to CAPTA by both the Senate and the House, I believe there is new hope for a better child protection system in this nation. However, it will take much more than

passage of this legislation to stop the tragic increase of child abuse and neglect. It takes responsibility and dedication from each and every citizen to be active within our communities, churches, and schools—to not only reach out and support children who are being abused but also to hold child protection services accountable within their communities to ensure that child protection agencies are effectively responding to cases of child abuse and neglect.

I want to further detail and explain the changes which are included in the House substitute to the Senate passed version of S. 919.

Under section 104, dealing with the National Clearinghouse for Information Related to Child Abuse, language was added to ensure the confidentiality of any case specific data. However, pursuant to the confidentiality language contained in section 107, as amended, we do not foresee any particular instance where the clearinghouse would have information on any case specific data. Instead, this provision is intended as a precautionary provision in the event the clearinghouse does in fact come into contact with any such information.

Under section 106, Grants for Demonstration Programs, language was deleted from the Senate passed version dealing with grants to provide culturally specific instruction. In general, there has been much sensitivity with regard to ''culturally specific instruction'' in the field of child abuse and neglect. This stems from a concern that in some instances true cases of child abuse have been disregarded as ''acceptable behavior'' in a specific culture. In light of the deletion of this provision, along with several other such references, additional language was added to section 201(a) of the Community-Based Family Resource and Support Grants. Specifically, this language adds as a purpose, ''to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.'' In addition, language was maintained in section 105 of the Senate bill which will provide research in the area of ''cultural and socio-economic distinctions'' of child abuse and neglect. It is our hope that this research will shed additional light onto this important topic.

Also within section 106, language was added to limit the number of grants available for Kinship Care. Specifically, no more than 10 States may be awarded a grant to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home.

Under section 107, Grants to States for Child Abuse and Neglect Prevention and Treatment Programs, several significant changes were made.

In general, the House amendment streamlines the State plan and the State eligibility requirements. Under the Senate bill, as under current law, the plan and requirements are separate and to a certain extent duplicative. The new language merges the plan elements under the State requirements. Senate language, which I strongly support, was also maintained to ensure coordination to the maximum extent practicable between this State plan and the State plan under part B of title IV of the Social Security Act relating to the child welfare services and family preservation and family support services.

With respect to the elements included under the State plan requirements, language was added to provide more flexibility to States in appointing a guardian ad litem, by clarifying that they need not be an attorney, but instead may be a court appointed special advocate (or both). Language was also added to clarify that the role of such individuals shall include obtaining first hand, a clear understanding of the situations and needs of the child and to make recommendations to the court concerning the best interests of the child. However, it is not intended that this be an exhaustive list of the responsibilities of these representatives. Under the current system, there are more and more cases where an appointed guardian has made virtually no contact with the child, while proceeding to make unfounded recommendations to the courts. This legislation strengthens the requirement that these representatives know and actively advocate the best interests of the children they are representing. Related to this, the House amendment adds language which will ensure more information is gathered with regard to these representatives.

Another key provision added under this section pertains to assisting abandoned infants. Specifically, within 2 years, States will be required, as a condition of funding, to have procedures in place for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law. With these provisions in place, countless numbers of infants who would otherwise languish in the foster care system will have new opportunities of being adopted at a very young age by loving parents.

In addition to providing new opportunities for babies that have been abandoned, this legislation also adds balance to a system which by many accounts has moved too far towards a model of ''family preservation'' even in the face of the most egregious crimes committed by parents against their own children.

Under this legislation, States will have no more than 2 years to ensure that they do not require reunification of a surviving child with a parent who has been convicted of a serious and violent crime such as murder, voluntary manslaughter or felony assaults upon their own children. In addition, States must ensure that these felonies constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children. However, we have clarified that case by case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State.

Another key change in the House amendment is the addition of citizen review panels. These panels will provide new opportunities for citizens to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect.

Under this provision, each State is required to establish a minimum of three citizen review panels—with exception for those States meeting the legislation's ''small State minimum'' standards. Although the language includes a minimum number of such panels, it is strongly encouraged that larger States take the initiative to establish more than just three panels as not to overburden a limited number of panels within an extremely large populous.

It was recognized that indeed most, if not all, States already have in place panels in the area of foster care and to oversee cases of child fatalities. It is not the intent for this legislation to create unnecessary duplication at the State and local level which is why a provision was added to clarify that States may utilize existing panels such as foster care review panels and child fatality panels as long as they also fulfill the requirements under this legislation.

It is expected that the citizen review panels will evaluate the extent to which States are meeting their responsibilities related to the State plan, the child protection standards, and coordination with foster care and adoption programs. They will also review child fatality and near fatality cases. In carrying out these duties, language has been added which clarifies that the State provide the panel access to information the panel desires as to allow the panel to carry out its functions.

Because these panels will have access to case specific records, language was included to ensure that the members and staff of these panels be held to stringent confidentiality standards back up with civil sanctions for violating these standards.

I also want to highlight language included in section 107 from the Senate passed version. These new language will require States to submit a report on the success of their child protection system. Along with the Senate's data elements, the House amendment includes an additional requirement that data be collected on the number of children reunited with their families or receiving family preservation services, that within 5 years, result in subsequent substantial reports of child abuse and neglect, including the death of the child. In addition, information will be gathered on the number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children. Quality data in both of these areas is lacking despite the fact that much time and effort has been invested at the Federal, State and local levels into ''family preservation'' and requirements for the appointment of individuals to represent abused and neglected children in courts. This information will provide valuable insight into these areas.

Under section 110, language was added in the House amendment to expand the definition of sexual abuse to include statutory rape in cases of caretaker or interfamilial relationships. Although rape has always been within the definition of sexual abuse this will clarify this to also mean statutory rape.

Under section 111, Authorization of Appropriations, Senate language was modified to slightly decrease the amount of funds under title I made available for discretionary activities. As a result, additional funds will be available to go directly to States in order to improve their child protective systems.

The House amendment also made several modifications to the Senate language included under title II, the community-based family resource and support grants.

Specifically, language was added under section 202, clarifying that a lead entity, as designated to administer these funds, may be an entity that has not been established pursuant to State legislation, Executive Order, or any written authority of the State. Further, language was added to ensure that States that have already designated a State trust fund advisory board to administer funds under the existing program, go through the process of

again designating a lead entity taking into consideration the capacity and expertise of all entities desiring to be lead agencies.

Modifications were also made to the formula under title II of the Senate bill. As passed, the Senate's formula, as an incentive, provided more funds for those States able to leverage funds for services related to child abuse and neglect. However, according to the Congressional Research Service, the actual language would have made it difficult, if not impossible for such a determination to be made because it could potentially be interpreted as requiring the Federal Government to match any amount of funds leveraged by the State. Therefore, language was added to first, distribute a majority, 70 percent, of funds under a straight proportion based on population of children under the age of 18, the Senate bill would have allotted 50 percent based on this factor, and second to clarify that the remainder be distributed by how much a State is able to leverage as compared to the amount all other States are able to leverage for sources other than the Federal Government.

Related to the formula, the House amendment provided an increase to the small State minimum over current law, but a decrease as compared to the Senate bill. It has also come to my attention that the current small State minimum has been interpreted by the administration to first send all States the minimum amount of funding and subsequently distribute the remaining funds by the statutory formula. It should be clarified that congressional intent of this legislation is that the Secretary calculate the allotments to all States under the formula, after which, all States receiving under $175,000, be provided additional funding taken, pro rata from other State, in order to achieve the $175,000 minimum.

Language under section 204 dealing with existing grants was also modified by striking a clause in the Senate bill dealing with ''continuation grants.'' It was the opinion that the intent of this clause was adequately addressed under section 204(a).

Under section 206 Local Program Requirements, several minor modifications were made dealing with references to early developmental screening of children. Specifically, clarification was made that these services, under community-based programs, be optional and may include referral to, as opposed to the provision of these services. A similar modification related to this was added under the definition section to the definition of ''Family Resource and Support Program.'' Also under the definition section, the Senate definition of ''National Network for Community-Based Family Resource'' was deleted due to the fact that it did not appear in the Senate-passed version nor the House amendment.

Finally, with respect to the authorization levels under title II, the House amendment included a modified authorization of $66 million for 1997 and such sums thereafter. This more accurately reflects the current funding of the program.

□ 2015

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 919, which will reauthorize the Child Abuse Prevention and Treatment Act into the first year of the new century.

I am very gratified that we are here today with a proposal that has bipartisan backing and is supported by the professionals across this country who provide assistance to some of the most vulnerable among us—abused, neglected and abandoned children, and their families.

Mr. Speaker, we are all too familiar with the horrific high profile cases which sear our consciences and force us again and again to ask why we could not prevent the loss or scarring of such innocent lives. Unfortunately, these high-profile cases represent only the tip of a very tragic iceberg. As we all know, last week Health and Human Services Secretary Donna Shalala released the Third National Incidence Survey of Child Abuse and Neglect which revealed that the number of child abuse cases has doubled in just 7 years. That report also points out that States had investigated only 28 percent of children identified as harmed or abused—a 16 percent drop in a 7-year period.

Shrinking State budgets have meant increasing caseloads. In most States, Child Protective Services [CPS] caseworkers have on average double the standard recommended caseload. This translates into reports that go unanswered and children that remain in perilous conditions. I sincerely hope that the Citizen Review Panels established under title I will help increase public awareness that even the most heroic caseworkers cannot possibly serve the needs of the children and families in their communities under these circumstances.

When the changes and requirements of the new welfare reform law are fully implemented caseworkers are likely to face even greater burdens. Those of us who are familiar with the child care delivery system in this country fully expect that the new work requirements of the welfare reform law will result in serious child care shortages across the country. Where child care is unavailable and children are left at home alone when parents work, child protective services will be further challenged to find remedies for such cases of child neglect. I sincerely hope that the Citizen Review Panels, which States will be required to establish, will help build a case for additional resources to child protection agencies which provide critical family support and prevention services to communities.

Mr. Speaker, the CAPTA reauthorization proposal before us today will help communities improve services to families through increased flexibility for child protection programs and reduced administrative burdens on States. The bill does not promote the status quo. It consolidates several Federal funding streams by folding four categorical programs into one community-based prevention grant to support prevention services to families. It will also help refine the role played by the Federal Government in helping States and communities to prevent and treat child abuse and neglect, including support for research and demonstration efforts to develop new approaches to prevention.

I want to thank my Committee Chair BILL GOODLING and Darcy Phelps of his staff for their consideration of issues I raised in the last several weeks. I thank Sara Davis of my staff. I also want to thank my colleagues in the other body, Senators KENNEDY, DODD, and COATES, whose staffs made very valuable contributions to this measure.

Mr. Speaker, I am very gratified that this crucial program was not ''block granted'' back to the States in the welfare reform bill. I think that would have been a serious mistake. Instead, this proposal reaffirms the strong Federal leadership role in combating child abuse and neglect. What does that mean? It means targeting funds at prevention efforts, guaranteeing essential protection for children who are the most vulnerable, providing funds for research, as well as valuable technical assistance, training, and data collection.

Finally, I would like to say this to my colleagues. This reauthorization proposal ensures that each of us will continue to have a voice for children like Lisa Steinberg and Nadine Lockwood whose voices were silenced before anyone could help.

I urge my colleagues to vote for this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the very distinguished gentleman from Arkansas [Mr. HUTCHINSON], a member of the committee.

Mr. HUTCHINSON. Mr. Speaker, I rise today in strong support of S. 919, the Child Abuse, Prevention and Treatment Act.

I commend Chairman GOODLING, Ranking Member CLAY, as well as our colleagues in the Senate for working together to bring this important bill to the floor.

Mr. Speaker, 2 years ago this month I received a 1,300 name petition from my constituents in northwest Arkansas regarding the child abuse case of Kendall Shea Moore. Kendall was a tiny infant who in the first 5 months of his life had virtually every bone in his body broken and his skull cracked. Finally on April 7, 1994, after the baby was admitted to the intensive care unit, authorities arrested those responsible for this horrendous abuse—the child's own father and as an accomplice, the baby's mother.

As you can imagine, this case caused an uproar in northwest Arkansas. However, the action that really incensed my constituents was when the court decided to return the baby to his mother. Just over 9 months from the day he was admitted to the intensive care unit, Kendall Shea Moore was permanently returned to his mother's custody.

In response to the outcry from my constituents, in January 1995, I hosted a meeting in my district office, bringing together Arkansas State legislators, foster parents and child advocates. I was appalled by the stories I heard from these foster parents. Time and time again they told me of children being returned to abusive situations. They told me of foster parents being aware of criminal abuse and not being able to testify in court. I was also told of doctors not being able to come forward due to confidentiality concerns. Unfortunately, I do not believe this tragic situation is unique to Arkansas.

Mr. Speaker, I am a strong supporter of the family and of doing everything we can to keep families together and encouraging the bond between parent and child. I am also a strong defender of the constitutional rights of parents.

However, we as a society have an obligation to protect the weakest and most vulnerable. There is something seriously wrong when we allow children and infants to be returned to homes where criminal abuse has occurred.

Based on the input I have received, there are several areas where we could reform CAPTA. First, we need to allow foster parents a greater opportunity to have input into the system. S. 919 requires States to establish citizen review panels to review the activities of State and local agencies. Specific duties include review coordination of child abuse prevention programs with foster care and adoption programs; and the review of cases involving child fatalities and near fatalities.

Second, we need to promote greater interagency cooperation. Very often State human services departments are not equipped to deal with cases of criminal abuse; nor should they be. These cases rightfully fall under the jurisdiction of law enforcement. S. 919 specifically encourages the cooperation of State law enforcement, courts, and State agencies in the investigation, prosecution and treatment of child abuse or neglect.

Finally, S. 919 deals with the issue of family reunification and the termination of parental rights. In cases of criminal abuse, where a parent has been convicted in a court of law, the legislation directs the States to have provisions in place protecting a surviving child from reunification with the convicted abuser. In addition, the legislation clarifies that such a conviction is grounds for the termination of parental rights.

No longer will States put children back into homes where parents have been convicted of egregious acts such as murder, voluntary manslaughter or felony assaults of their own children.

Children, like Kendall Shea Moore should never have to face the possibility of abuse again. We owe our children more than that.

Mr. Speaker, as we witness the continuing dissolution of the family in our society, I fear that the incidence of child abuse will only increase. We need to act and I strongly encourage my colleagues to support passage of S. 919.

□ 2030

Mr. KILDEE. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of S. 919, the Child Abuse Prevention and Treatment Act amendments. These amendments are especially important for States like Hawaii that will benefit from an increase in the small State minimum for the distribution of funds under the Family Violence Prevention and Services Act.

Under the Child Abuse Prevention and Treatment Act, services and shelter for victims of domestic violence are provided by the Family Violence Prevention and Services Act to States on a population basis. Small population States receive a minute allocation under this act of $200,000, or 1 percent, whichever is less. S. 919 would increase the minimum allocation to $400,000 so small States can receive a fair share of the new funding available under the Violence Against Women Act.

In the State of Hawaii, the percentage of homicides that were committed by family members is now seen as twice the national average, and it is my hope that increased funding and focus for Hawaii's domestic violence shelters and services can turn this frightening statistic around.

Mr. Speaker, I wanted to go over a bit of the chronology of events as to how this report now reaches us on the floor because I think it is instructive not only for the membership, but for the community at large, as to how a matter that is seen as having tremendous public impact and community impact is able to be dealt with by the Congress. I think it is a lesson, a civics lesson, if my colleagues will, Mr. Speaker, in how to deal with drastic circumstances that are not otherwise amenable to being resolved in the community minus the legislative support of the Congress.

In the course of that I want to compliment the office of the gentleman from Delaware [Mr. CASTLE], the staff in his office, and I most especially want to thank the ranking member, the gentleman from Michigan [Mr. KILDEE], and his staff, and I want to recognize and commend the gentleman from Pennsylvania [Mr. GOODLING], and his staff, for recognizing in turn how important this amendment was in seeing it through the entire conference. It is the kind of thing that can easily be lost unless there is an alert staff as well as an alert Chair and ranking member who have the good of the community at heart, and most particularly, those most vulnerable, the innocent among us, our children.

I had received a letter, Mr. Speaker, from Governor Benjamin Cayetano, the Governor of our State of Hawaii, asking for support of the amendment and indicating that he was aware of how important the change from $200,000 to $400,000 would be. I got that in July. I am citing the specific times, Mr. Speaker, because I want to show how it is possible for the Congress to act with a concerted effort and respond rapidly, and this is an excellent example of it.

I drafted a letter, a ''Dear Colleague'' letter, to Members, and I am very pleased that the gentlewoman from Hawaii, Mrs. MINK, my colleague, and the gentleman from Delaware, Mr. CASTLE, were the original signers of the letter, and we consulted with the staff of Mr. GOODLING's committee, and we sent a ''Dear Colleague'' letter out to Members whose districts and whose States were affected. We invited them to sign a letter to Chairman GOODLING of the Committee on Economic and Educational Opportunities in support of increasing the minimum, and I would like to quote, if I might, Mr. Speaker, briefly from the letter to Mr. GOODLING because I think it provides, again, an example and a basis for understanding how legislation can be brought promptly to the floor in a way that effectively serves the ends sought.

In addressing the chairman we wrote requesting his support for increasing the small State minimum in the distribution of funds. Small States were guaranteed a minimum, as I indicated, of $200,000. Congress recently increased the appropriation from $32 million in fiscal year 1995 to $47 million in 1996. Unfortunately, the small State minimum did not receive a comparable increase; thus States which we represented, those of us who signed the letter to the gentleman from Pennsylvania [Mr. GOODLING], Alaska, Delaware, Washington, DC, Hawaii, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming did not benefit from the funding increase. Small States, of course, have the same pressing needs as large States to provide adequate services for women who have been the victims of domestic violence. Consequently we believed that it was imperative that the small State minimum be increased. The Senate had already increased the small State minimum to $400,000 in the Child Abuse and Prevention Treatment Act and was expected to include it.

Mr. Speaker, the Senate, as I said, expected to include this provision in the Labor, HHS and Education appropriations bill but obviously required support of the gentleman from Pennsylvania [Mr. GOODLING] and the conferees in the conference. The result, Mr. Speaker, is before us today. It has been accomplished. In other words, between July and September of this year on a bipartisan basis, we were able to deal with this crisis. Small States were recognized, and more importantly, the children and those others who come under the aegis of this act were recognized as being in need.

So I would like to close with a profound sense of gratitude to the gentleman from Pennsylvania [Mr. GOODLING] and the committee and indicate that I hope that this will, if it has to be voted on, will be a unanimous vote of the Congress and offer in conclusion, Mr. Speaker, again a reference to the fact that it is possible for men and women of good will and acting in faith with the Constitution and our duties here in the House to act promptly on behalf of the children of this country.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased that I rise in support of the Child Abuse Prevention and Treatment Act [CAPTA] Amendments of 1996. Since its passage in 1974, CAPTA has provided protection and assistance for one of our nation's most vulnerable segments—children who have been abused and/or neglected. I am delighted to say that this is yet another bipartisan measure produced by the House Opportunities Committee and brought to the floor under suspension of the rules. I commend Chairman GOODLING and ranking member, Mr. CLAY and Mr. KILDEE for their fine effort in bringing this important legislation to the floor.

Mr. Speaker, for a number of years, I have sponsored the ''At-Birth Abandoned Baby Act''. The bill guarantees all babies abandoned at-birth, or shortly thereafter, the right to immediate placement and bonding with ''preadoptive parents.'' The preadoptive parents are given the right to immediately initiate proceedings for an expeditious adoption of the abandoned baby.

One of the major provisions of the At-Birth Abandoned Baby Act simply requires State welfare authorities to immediately place ''at-birth abandoned babies'' with suitable ''pre-adoptive parents'' who, in turn, will be allowed to immediately file for an expeditious adoption of the abandoned baby in the State court of proper jurisdiction.

Mr. Speaker, I am pleased the Child Abuse Prevention and Treatment Act contains similar provisions which will provide for an expedited adoption procedure for abandoned infants. The bill requires that in order to be eligible to receive funds under the Child Abuse Prevention and Treatment Act, States must have in place a program within 2 years which will provide ''for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law''. Mr. Speaker, I strongly support the inclusion of this provision in the bill.

I would also like to mention that the bill contains a provision which will require the Secretary of Health and Human Services, in dispensing funds under the Abandoned Infants Assistance Act, to give priority to States which have developed and implemented procedures for expedited placement of abandoned infants. I believe this provision will give States the added incentive to implement this vital expedited adoption procedure.

Mr. Speaker, passage of these two commonsense provisions will give those infants abandoned at-birth at least a fighting chance for immediate parental bonding by adoptive parents and a permanent home. I strongly support this bill and urge all of my colleagues to join me in voting for its passage.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH] for the purpose of engaging in a colloquy.

Mr. SMITH of Texas. Mr. Speaker, first of all I want to thank my friend from Pennsylvania, Mr. GOODLING, who is the chairman of the Committee on Economic and Educational Opportunities for yielding this time to me, but I also want to thank him and the many others who have helped us reach an agreement on such an important subject.

Mr. Speaker, it is my understanding that under CAPTA, States have been allowed to exempt parents from prosecution on grounds of medical neglect if the parent was employing alternative means of healing as part of the parent's religious practice. CAPTA also has required the States to have procedures in place to report, investigate and intervene in situations where children are being denied medical care needed to prevent harm.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, that is correct. The two provisions the gentleman has described have caused problems for some States. In recent years, the Department of Health and Human Services has moved to disqualify certain States from CAPTA funding based on the State's accommodation of the religion treatment in lieu of medical treatment.

Mr. SMITH of Texas. Mr. Speaker, it is my further understanding that we have clarified that issue in the rule of construction before us.

Mr. GOODLING. Yes, we have. After a very lengthy negotiation we have reached a compromise which will both protect children in need of medical intervention while ensuring that the first amendment rights of parents to practice their religion are not infringed upon. Under this bill, no parent or legal guardian is required to provide a child with medical service or treatment against their religious beliefs, nor is any State required to find, or prohibited from finding, abuse or neglect cases where the parent or guardian relied solely or partially upon spiritual means rather than medical treatment in accordance with their religious beliefs.

Mr. SMITH of Texas. Does the bill address States' authority to pursue any legal remedies necessary to provide medical care or treatment when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life-threatening conditions?

☐ 2045

Mr. GOODLING. Yes, it does. In addition, the bill gives States sole discretion over case-by-case determinations relating to exercise of authority in this area. No State is foreclosed from considering parents' use of treatment by spiritual means. No State is required to prosecute parents in this area. But every State must have in place the authority to intervene to protect children in need.

Let me also state that nothing under this bill should be interpreted as discouraging the reporting of suspected incidences of medical neglect to child protection services, where warranted.

Mr. SMITH of Texas. Mr. Speaker, if the gentleman will continue to yield, I also see a new section has been added that requires the States to include in their State laws, as statutory grounds for termination of parental rights, conviction of parents for certain specified crimes against children.

It also eliminates the Federal mandate that States must seek reunification of the convicted parent with surviving children. Given the crimes that have been specified, a murder or voluntary manslaughter and felonious assault, it appears what we are addressing is a parent who deliberately takes a life or seriously injuries his child.

Mr. GOODLING. That is correct. This section is intended to give the States flexibility in this area by not requiring them to seek to reunify a parent convicted of a serious and violent crime against his child with that surviving child or other children. States may still seek to reunify the family, but will no longer be required to do so by Federal law.

Second, the bill provides that these very serious crimes should be grounds in State law for the termination of parental rights. Any decision, however, to terminate parental rights even in these cases is entirely a State issue and remains so under the bill.

Mr. SMITH of Texas. Would States be allowed to consider a parents' motive when deciding to terminate parental rights or seek reunification of this family, and could this include sincerely held religious beliefs of the parents?

Mr. GOODLING. Absolutely. Since this is entirely a matter of State law, States are free to consider whatever mitigating circumstances they wish.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding, and for his help.

Mr. GOODLING. I want to thank the staff on both sides, Mr. Speaker, and the gentleman from Michigan [Mr. KILDEE], the ranking member. This is just another indication, one more of those

bipartisan bills that this committee has brought to the floor and acted upon expeditiously.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's remarks. I have always enjoyed working with him, and we are able to achieve a great deal of bipartisan work because of our respect for one another. I think more of that would be helpful to the whole House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the Child Abuse Prevention and Treatment Act. This measure will authorize $100 million in fiscal year 1997 for child abuse prevention and treatment programs.

The bulk of this money will support the State grant program which provides child protective services where they are most effective—at the State level. This grant program helps States screen and investigate reports of child abuse or neglect; provide case management and deliver service to children and their families; improve risk and safety assessment tools and expand training for service providers and those required to report suspected cases of child abuse.

Our children are our most precious resource and we must take steps to root out and eliminate abuse and maltreatment. This bill is a move in that direction. I urge all my colleagues to support these amendments and pass this bill.

Mr. UNDERWOOD. Mr. Speaker, I rise today to join my colleagues in supporting the passage of S. 919, the Child Abuse Prevention and Treatment Act Amendments. Child protection is our collective responsibility and the Congressional approval today reinforces our commitment to help our Nation's most vulnerable children and families.

The number of children reported abused and neglected has tripled since 1981. As more and more families encounter pressures, the caseloads at the child protection agencies increase. The steps we take today, in reauthorizing this program for another 5 years, will expand services to strengthen and support families in need.

Guam is currently receiving about $177,000 in consolidated grants from the Department of Health and Human Services to assist our efforts to combat this problem. Our local child protective agencies have flexibility in designing child protective services, investigations of child abuse and neglect, improvements in risk and safety assessments, and the training of service providers.

The bill will allow Guam the opportunity to apply for family resource grants and adoption opportunities grants authorized in this legislation. We can be more effective if we consolidate a number of broad-based networks of child abuse and prevention programs, family support programs, foster care and adoption initiatives. This bill expands the current program and facilitates the collaboration necessary to maximize resources.

Our children are our most important resources. We need to guarantee them a safe haven when threatened or harmed. We need to reassure children at risk that their safety net is strong and viable. And we need to reduce the incidence of child abuse and neglect. The bill passed by the Congress today moves us in the right direction.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of S. 919, the Child Abuse Prevention and Treatment Act Amendments, better known as CAPTA.

BICAMERAL, BIPARTISAN SUPPORT FOR REFORMS

This Congress has already adopted CAPTA reforms several times, as part of welfare reform legislation. However, for technical reasons, CAPTA reforms were deleted from the welfare reform package enacted by Congress and signed into law by the President. Thus, the Senate adopted S. 919. We take it up today, having negotiated additional improvements with both parties and both Houses of Congress.

THE NEED FOR BETTER CHILD PROTECTIVE SERVICES

Since 1974, CAPTA has provided States a framework to follow with respect to child protective services. Unfortunately, child abuse continues to increase. The latest studies show reports of child abuse and neglect have doubled in the United States, from 1.4 million cases in 1986 to 2.8 million in 1993.

This is nothing less than a national tragedy. We can and must take action. We do, through this bill. Let me identify just a few improvements we are making in CAPTA to fight the epidemic of child abuse and neglect.

We are providing expanded adoption opportunities for babies who have been abandoned. This follows our previous work in this Congress to expand the adoption tax credit.

We are providing greater protection so that children will not be put back into homes where parents have been convicted of terrible acts against their own children.

We are providing new and expanded roles for private citizens in the area of child abuse and neglect.

In an area we heard a great deal about in my subcommittee hearings, this bill ensures that persons who maliciously file reports of abuse will no longer be protected by CAPTA's immunity for reporting. Under our bill, only goodfaith reports will be protected.

And we are simplifying the administration of the CAPTA program at the State and local levels.

There is much, much more in this bill that is in the best interests of America's children. Every American must take a stand that child abuse is wrong. We must stop this plague of child abuse on our land. Our bipartisan CAPTA reforms cannot stop child abuse; they give help to those people who can.

I thank Chairman GOODLING for his outstanding leadership on this issue. I urge my colleagues to support S. 919 as amended, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the Senate bill, S. 919, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 919, the Child Abuse Prevention and Treatment Act Amendments of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROFESSIONAL BOXING SAFETY ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4167) to provide for the safety of journeymen boxers, and for other purposes.

The Clerk read as follows:

H.R. 4167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Professional Boxing Safety Act of 1996''.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) BOXER.—The term ''boxer'' means an individual who fights in a professional boxing match.

(2) BOXING COMMISSION.—(A) The term ''boxing commission'' means an entity authorized under State law to regulate professional boxing matches.

(3) BOXER REGISTRY.—The term ''boxer registry'' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

(4) LICENSEE.—The term ''licensee'' means an individual who serves as a trainer, second, or cut man for a boxer.

(5) MANAGER.—The term ''manager'' means a person who receives compensation for service as an agent or representative of a boxer.

(6) MATCHMAKER.—The term ''matchmaker'' means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

(7) PHYSICIAN.—The term ''physician'' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

(8) PROFESSIONAL BOXING MATCH.—The term ''professional boxing match'' means a boxing contest held in the United States between individuals for financial compensation. Such term does not include a boxing contest that is regulated by an amateur sports organization.

(9) PROMOTER.—The term ''promoter'' means the person primarily responsible for organizing, promoting, and producing a professional boxing match.

(10) STATE.—The term ''State'' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

SEC. 4. BOXING MATCHES IN STATES WITHOUT BOXING COMMISSIONS.

No person may arrange, promote, organize, produce, or fight in a professional boxing

match held in a State that does not have a boxing commission unless the match is supervised by a boxing commission from another State and subject to the most recent version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions as well as any additional relevant professional boxing regulations and requirements of such other State.

SEC. 5. SAFETY STANDARDS.

No person may arrange, promote, organize, produce, or fight in a professional boxing match without meeting each of the following requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:

(1) A physical examination of each boxer by a physician certifying whether or not the boxer is physically fit to safely compete, copies of which must be provided to the boxing commission.

(2) Except as otherwise expressly provided under regulation of a boxing commission promulgated subsequent to the enactment of this Act, an ambulance or medical personnel with appropriate resuscitation equipment continuously present on site.

(3) A physician continuously present at ringside.

(4) Health insurance for each boxer to provide medical coverage for any injuries sustained in the match.

SEC. 6. REGISTRATION.

(a) REQUIREMENTS.—Each boxer shall register with—

(1) the boxing commission of the State in which such boxer resides; or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no boxing commission, the boxing commission of any State that has such a commission.

(b) IDENTIFICATION CARD.—

(1) ISSUANCE.—A boxing commission shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains each of the following:

(A) A recent photograph of the boxer.

(B) The social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer).

(C) A personal identification number assigned to the boxer by a boxing registry.

(2) RENEWAL.—Each professional boxer shall renew his or her identification card at least once every 2 years.

(3) PRESENTATION.—Each professional boxer shall present his or her identification card to the appropriate boxing commission not later than the time of the weigh-in for a professional boxing match.

SEC. 7. REVIEW.

(a) PROCEDURES.—Each boxing commission shall establish each of the following procedures:

(1) Procedures to evaluate the professional records and physician's certification of each boxer participating in a professional boxing match in the State, and to deny authorization for a boxer to fight where appropriate.

(2) Procedures to ensure that, except as provided in subsection (b), no boxer is permitted to box while under suspension from any boxing commission due to—

(A) a recent knockout or series of consecutive losses;

(B) an injury, requirement for a medical procedure, or physician denial of certification;

(C) failure of a drug test; or

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents.

(3) Procedures to review a suspension where appealed by a boxer, including an opportunity for a boxer to present contradictory evidence.

(4) Procedures to revoke a suspension where a boxer—

(A) was suspended under subparagraph (A) or (B) of paragraph (2) of this subsection, and has furnished further proof of a sufficiently improved medical or physical condition; or

(B) furnishes proof under subparagraph (C) or (D) of paragraph (2) that a suspension was not, or is no longer, merited by the facts.

(b) SUSPENSION IN ANOTHER STATE.—A boxing commission may allow a boxer who is under suspension in any State to participate in a professional boxing match—

(1) for any reason other than those listed in subsection (a) if such commission notifies in writing and consults with the designated official of the suspending State's boxing commission prior to the grant of approval for such individual to participate in that professional boxing match; or

(2) if the boxer appeals to the Association of Boxing Commissions, and the Association of Boxing Commissions determines that the suspension of such boxer was without sufficient grounds, for an improper purpose, or not related to the health and safety of the boxer or the purposes of this Act.

SEC. 8. REPORTING.

Not later than 48 business hours after the conclusion of a professional boxing match, the supervising boxing commission shall report the results of such boxing match and any related suspensions to each boxer registry.

SEC. 9. CONFLICTS OF INTEREST.

No member or employee of a boxing commission, no person who administers or enforces State boxing laws, and no member of the Association of Boxing Commissions may belong to, contract with, or receive any compensation from, any person who sanctions, arranges, or promotes professional boxing matches or who otherwise has a financial interest in an active boxer currently registered with a boxer registry. For purposes of this section, the term ''compensation'' does not include funds held in escrow for payment to another person in connection with a professional boxing match. The prohibition set forth in this section shall not apply to any contract entered into, or any reasonable compensation received, by a boxing commission to supervise a professional boxing match in another State as described in section 4.

SEC. 10. ENFORCEMENT.

(a) INJUNCTIONS.—Whenever the Attorney General of the United States has reasonable cause to believe that a person is engaged in a violation of this Act, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person, as the Attorney General determines to be necessary to restrain the person from continuing to engage in, sanction, promote, or otherwise participate in a professional boxing match in violation of this Act.

(b) CRIMINAL PENALTIES.—

(1) MANAGERS, PROMOTERS, MATCHMAKERS, AND LICENSEES.—Any manager, promoter, matchmaker, and licensee who knowingly violates, or coerces or causes any other person to violate, any provision of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(2) CONFLICT OF INTEREST.—Any member or employee of a boxing commission, any person who administers or enforces State boxing laws, and any member of the Association of Boxing Commissions who knowingly violates section 9 of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(3) BOXERS.—Any boxer who knowingly violates any provision of this Act shall, upon conviction, be fined not more than $1,000.

SEC. 11. NOTIFICATION OF SUPERVISING BOXING COMMISSION.

Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide written notification to the supervising boxing commission designated under section 4. Such notification shall contain each of the following:

(1) Assurances that, with respect to that professional boxing match, all applicable requirements of this Act will be met.

(2) The name of any person who, at the time of the submission of the notification—

(A) is under suspension from a boxing commission; and

(B) will be involved in organizing or participating in the event.

(3) For any individual listed under paragraph (2), the identity of the boxing commission that issued the suspension described in paragraph (2)(A).

SEC. 12. STUDIES.

(a) PENSION.—The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for boxers, including potential funding sources.

(b) HEALTH, SAFETY AND EQUIPMENT.—The Secretary of Health and Human Services shall conduct a study to develop recommendations for health, safety, and equipment standards for boxers and for professional boxing matches.

(c) REPORTS.—Not later than one year after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a). Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (b).

SEC. 13. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN RESERVATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) RESERVATION.—The term ''reservation'' means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

(2) STANDARDS AND LICENSING.—If a tribal organization regulates professional boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional

boxing matches that are at least as restrictive as—

(A) the otherwise applicable standards and requirements of a State in which the reservation is located; or

(B) the most recently published version of the recommended regulatory guidelines certified and published by the Association of Boxing Commissions.

SEC. 14. RELATIONSHIP WITH STATE LAW.

Nothing in this Act shall prohibit a State from adopting or enforcing supplemental or more stringent laws or regulations not inconsistent with this Act, or criminal, civil, or administrative fines for violations of such laws or regulations.

SEC. 15. EFFECTIVE DATE.

The provisions of this Act shall take effect on January 1, 1997, except as follows:

(1) Section 9 shall not apply to an otherwise authorized boxing commission in the Commonwealth of Virginia until July 1, 1998.

(2) Sections 5 through 9 shall take effect on July 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 4167, the Professional Boxing Safety Act.

This bill represents months of bipartisan, bi-committee, and bicameral negotiations. Its primary purpose is to establish a State and privately run system for licensing professional boxers.

H.R. 4167 is identical to H.R. 1186, which was marked up by the Committee on Commerce on September 18, and reported to the full House on September 24, 1996. Since the provisions of the bills are identical, it is the intent of the Committee on Commerce and the Committee on Economic and Educational Opportunities that the Committee on Commerce report on H.R. 1186 should serve as the legislative history governing the interpretation of H.R. 4167.

I include for the RECORD a memorandum of understanding between Chairman BLILEY and Chairman GOODLING on this point.

The memorandum referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We are writing regarding the jurisdiction and legislative history of H.R. 4167, the Professional Boxing Safety Act, which has been introduced today by Rep. Pat Williams and Rep. Michael G. Oxley and referred to the Committee on Economic and Educational Opportunities and in addition to the Committee on Commerce and H.R. 1186, the Professional Boxing Safety Act, which was referred to the Committee on Economic and Educational Opportunities and in addition to the Committee on Commerce. After negotiations between the two Committees, H.R. 1186 was favorably reported from the Committee on Commerce and agreed to be considered under suspension of the House Rules.

Subsequently and in honor of the retirement of Rep. Pat Williams, our friend and colleague, Rep. Williams introduced H.R. 4167, Professional Boxing Safety Act, which is identical to the Commerce Committee reported bill to H.R. 1186 and we have agreed to consider this bill in lieu of consideration of H.R. 1186. We now agree that the legislative history of H.R. 1186 should be deemed part of the legislative history of H.R. 4167, Professional Boxing Safety Act and that the jurisdiction of the two Committees should not be prejudiced by any of these events.

Sincerely,

BILL GOODLING,
Chairman, Committee on Economic and Educational Opportunities.

THOMAS J. BLILEY,
Chairman, Committee on Commerce.

Mr. Speaker, when people think of professional boxing they imagine the multi-million dollar fight with Mike Tyson or George Foreman or Tim Witherspoon in the corner. But the vast majority of professional matches are between two little known boxers, fighting for less than $100 per round, who are often intentionally mismatched to provide the crowd with a spectacle of gore.

Unlike every other major American sport, there is no merit system in boxing for advancing to a title. Sanctioning bodies are controlled by promoters with their own agendas. Even the officials who regulate boxing through the State commissions often have personal financial interest and involvement in their own pet fighters. With fraud and corruption allowed to run rampant in boxing, it's no wonder that we've had so many boxers left penniless, with severe medical injuries, forced to depend for health care and survival on the backs of the Federal taxpayers. Boxing needs reform, and it needs it now.

This bill is not something dreamed up by Washington bureaucrats to be imposed on the States. Rather, these reforms have been specifically requested and actively supported by State boxing commissions around the country.

Commissioner after commissioner has complained to us that State suspensions are flouted by boxers who hop from town to town fighting under different names, ignoring failed drug tests and medical injuries, ultimately leaving Federal health care and welfare programs to pick up the tab after their bodies have broken down.

So long as there are no uniform licensing procedures for reviewing, honoring, and appealing commission authorized suspensions, States will remain powerless to enforce their own health and safety regulations, with the taxpayers losing out as the result.

This bill requires that no professional boxing match be held without the approval of a State authorized commission. The commission may be public or private, and no State is required under this bill to establish a commission. If a State chooses not to get involved in regulating boxing, then the promoter of a fight is allowed to contract with an authorized boxing commission of any other State to come in and supervise a fight.

This bill is not a cure-all for every problem that boxing faces. But it is a huge step in the right direction. It enacts strict conflict of interest provisions, establishes minimum protections for boxers, and empowers States to enforce their own suspensions.

I recognize that many of my colleagues believe that this compromise goes too far, while others feel it does not go far enough to involve the Federal Government in helping the States regulate professional boxing. But after decades of legislative neglect, professional boxing needs uniform State-supervision before it can clean up its act. This is a good bill, a good compromise, and a much needed reform.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. WILLIAMS] be permitted to control one-half of the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I am pleased to rise today in support of H.R. 4167. This is the same bill that was reported out of the Committee on Commerce last Wednesday, and it is a product of bipartisan cooperation among members of both the Committee on Commerce and the Committee on Economic and Educational Opportunities.

I would like to commend my colleagues, the gentleman from Virginia [Mr. BLILEY], the gentleman from Ohio [Mr. OXLEY], the gentleman from Pennsylvania [Mr. GOODLING], the chairman, the gentleman from Montana [Mr. WILLIAMS], and the gentleman from Michigan [Mr. DINGELL], for their hard work in moving this bill forward.

In addition, negotiations on the bill have included Senators MCCAIN and BRYAN, who demonstrated significant commitment to gaining consensus on the bill, enabling us to bring this legislation to the House floor today. By passing H.R. 4167, the House will take a positive step forward toward correcting some of the most negative aspects associated with the boxing industry.

Mr. Speaker, Members in the House have long considered legislation to improve the sport of boxing. Early hearings and discussions of problems in the industry date back to the 1960's and since that time, various proposals have been promoted in an effort to address some of the more persistent and destructive problems with the sport.

I would like to recognize a number of my colleagues in the House, in particular, Representatives BILL RICHARDSON, RALPH HALL, and MAJOR OWENS, who have dedicated significant time and energy over the years in support of legislation to regulate the boxing industry. Their leadership on this issue has helped educate and motivate members on both sides of the aisle, enabling us to at last reach agreement on legislation at this time. While the bill before us today is perhaps more minimal in scope than my colleagues would prefer, it does include a number of provisions that should satisfy some of their long-term interests in seeing improvements made by the boxing industry.

The purpose of this bill should not surprise many. Numerous problems associated with the sport of boxing are not new, and have proven persistent over many years. Observers of the industry have criticized it for a number of reasons including: inadequate health and safety standards for the athletes; industry corruption; exploitation of the fighters; organized crime influence; and blatant conflict of interest between regulatory and sanctioning bodies. But despite a considerable amount of congressional scrutiny and various legislative proposals, no specific Federal law dealing with professional boxing has been enacted. By passing H.R. 4167 today, the House can improve this record.

Mr. Speaker, as I stated earlier, the bill before us was crafted with bipartisan cooperation in both bodies. It is a good bill that addresses many of the most distressing problems in the sport of boxing. In particular, H.R. 4167 includes a provision which will put an end to conflicts of interest between regulatory and sanctioning bodies in the industry. In addition, the bill includes minimum health and safety requirements to better protect boxers and expands the State oversight role of the industry.

Mr. Speaker, we could probably go further in our efforts to regulate the boxing industry and clean up more problems which surely exist in some quarters of the sport. However, I believe this legislation will yield some positive changes in the industry and the House should be proud to adopt it. As a cosponsor of the bill and ranking minority member of the Commerce, Trade, and Hazardous Materials Subcommittee, I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize the gentleman from Montana [Mr. WILLIAMS] for his strong work in this area for a number of years, working to get a bill passed. I think we are just about there. We would not have been there without the efforts of the gentleman from Montana.

Mr. Speaker, I am pleased to yield such time as he may consume to my good friend, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank my friend, the gentleman from Ohio, chairman of the Subcommittee on Commerce, Trade, and Hazardous Materials of the Committee on Commerce, for his kindness in yielding time to me. If he should need more time, and I am controlling 10 minutes, I will yield it back to him, but for now I will use his time.

Mr. Speaker, I want to begin by thanking my Republican colleagues, the gentleman from Ohio [Mr. OXLEY], the gentleman from Virginia [Mr. BLILEY], and over on the Committee on Economic and Educational Opportunities, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from North Carolina [Mr. BALLENGER], for their kindness in bringing this bill forward and allowing me to be the prime sponsor of it.

Without their generosity, Mr. Speaker, it may have been that I would not have been able to gain this recognition, deserved or not, for 18 years of work on this issue.

Mr. Speaker, it was not 18 years but 35 years ago that the first proposal to reform the sport of boxing was introduced. It was done so by then Senator Estes Kefauver of Tennessee. That legislation was aimed at trying to prevent what Senator Kefauver then believed was mob control of the sport. His legislation would have set up a commission under the Department of Justice to investigate fights. That legislation was not passed, and since that time there have been many attempts to resurrect the issue and reform the ''sweet science.''

The issue lay dormant until early in the 1970's, when then Congressman Van Derling wanted to regulate television's influence on the sport under the Federal Communications Commission. Later, former Congressman Ed Beard wanted to establish a Federal boxing commission. None of these efforts were successful.

Then I and some others came on the scene in 1979, and with the House Committee on Labor held several days of hearings on the safety of the sport and possible avenues of reform, and we approached it as a matter of protecting workers in their workplace. The workers are fighters. Their workplace is the ring.

□ 2100

Those hearings opened 18 years of discussion and more than a dozen bills aimed at the setting of minimum health and safety standards for boxing. But even those efforts, until tonight, fell short, primarily for two reasons. One was the difficult job of reassuring folks in the sport of boxing that minimum standards are indeed in the fighter's best interest, and the second reason was in setting just the right balance between State commissions and any Federal assistance.

The bill before us today is the product of all those years of congressional and public discussion and debate. Because of continual scandal and increasing fan disillusionment—and I am a fan—the sport has long ago, I think, been convinced that minimum health and safety standards are necessary if boxing is to prosper and fighters are to be protected.

This legislation before us tonight leaves the regulation of boxing with the State commissions, and it sets a basic code of conduct and minimum health and safety standards to assist the State commissions in the protection of fighters in their workplace, the ring.

One of the most important provisions in this legislation is the establishment of a boxer passport system. This provision will essentially prevent a fighter who is knocked out in one State and then changes his name and fights under the false name in another State the next night, even though the boxer himself is physically at risk. A passport system will stop that terrible practice.

I must say I think that potentially the weakest provision in the bill is the definition of how a State boxing commission should be organized. The legislation allows States to privatize their commissions. We may find that that move toward privatized commissions is a mistake. However, I also believe that the conflict of interest provisions of the bill will mean that there will be little chance for boxing ranking organizations or promoters to capture control of these privatized commissions.

This legislation gives the States the chance to bring the sport of boxing under control, and I am certain that the existing State commissions are up to the task. The legislation is, in fact, simply an attempt by the Congress of the United States to provide for those athletes who labor in the ring the basic worker protections that the United States provides for all other workers in their workplace. I urge my colleagues to support it.

Finally, I again want to thank Chairman OXLEY and my colleagues and friends on the Republican side for their generosity in allowing H.R. 4167, the bill which I have sponsored along with Chairman OXLEY and Congressman MANTON, to come before us tonight.

Mr. Speaker, I am pleased to rise today in support of H.R. 4167. I have worked on this issue for 18 years and I want to thank my colleagues on the Economic Opportunities and Commerce Committees for their work and assistance on this legislation and I urge your support for my bill.

It was 35 years ago that the first proposal to reform the sport of boxing was introduced by then Senator Estes Kefauver. This legislation was aimed at the stopping of mob control of the sport and set up a commission under the Department of Justice to investigate any illegal fights. That legislation was not passed and since that time there has been many attempts to resurrect this issue and reform the ''sweet science.''

In the 1970's Congressman Van Derling wanted to regulate television's influence on the sport under the Federal Communication

Commission and Congressman Beard wanted to establish a Federal boxing commission under the Department of Labor. None of these efforts was successful and in 1979 our House Labor Committee held several days of hearings on the safety of the sport and possible avenues of reform. These hearings opened 18 years of discussion and more than a dozen bills aimed at the setting of minimum health and safety standards for boxers. These bills all fell short primarily for two reasons: one was the difficult job of reassuring folks in the sport of boxing that minimum standards are in the sport's best interest, and the second reason was in setting just the right balance between State commissions and any Federal assistance.

The bill before us today is the product of all those years of discussion and debate. Because of continual scandal and increasing fan disillusionment, the sport and its fans have long ago been convinced that minimum health and safety standards were absolutely necessary if the sport was to prosper and fighters be protected, and during those years the State boxing commissions have their own standards and professional organizations. This legislation leaves the regulation of boxing with the State commissions, and it sets a basic code of conduct and minimum health and safety standards to assist those commissions in the protection of fighters in their workplace—the ring.

One of the most important provisions in this legislation is the establishment of the boxer passport system. This provision will essentially stop a fighter from being knocked out in one State and then changing names and fighting in another State even though they are physically at risk. This legislation sets basic safety standards for any fight, and it also carries a provision that will have the appropriate Federal agencies conduct a study of what minimum health and safety provisions should include and also how the sport might provide a basic pension system. This study will be presented to the next Congress to consider strengthening the mandatory requirements of the bill.

The weakest provision in the bill is the definition of how a State boxing commission should be organized. This legislation allows States to privatize their commissions. We may find that the move toward privatized commissions is a mistake. However, I also believe that the conflict of interest provisions of the bill will mean that there will be little chance for boxing ranking organizations or promoters to capture control of key commissions—even under privatization. I want to commend my colleagues on the Commerce Committee for their effort on this provision. I believe that as the State commissions are strengthened then there will be less reason for States to consider privatization.

This legislation gives the States the chance to bring the sport of boxing under control and I am certain that the existing commissions will be up to the task, with our assistance. If we do not take this action today, or if the States do not live up to the challenge, then I believe we will see the continued downward spiral of both the sport and fan confidence.

This legislation is, in fact, simply an attempt to provide for folks who labor in the ring the basic worker protections we provide for almost all other workers. The decentralized nature of the sport has promoted minimum regulation because those States that enforce strict standards simply lose future fights. This flaw has denied fighters basic protections and the result has been needless injury and death.

The House of Representatives has passed reforms one other time—only to have the bill die in the Senate. Senator MCCAIN has worked tirelessly on this legislation and is in agreement with the House's bipartisan proposal. Let's not deny fighters these reforms; they are long overdue.

Mr. MANTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, in closing, let me just again thank the gentleman from Montana for his leadership. As all of you know, this is PAT WILLIAMS' last term, he is retiring, will be leaving Congress after a distinguished number of years here. This is in many ways a tribute to PAT WILLIAMS and his dedicated service here in the Congress. I wanted to point that out to the Members and for the record.

Also, to thank the gentleman from New York, Mr. MANTON, my ranking member; also the gentleman from Virginia, Mr. BLILEY, the chairman; the gentleman from Michigan, Mr. DINGELL, as well, the ranking member; Senator MCCAIN who had worked so feverishly on this bill; and last, the gentleman from New Mexico, BILL RICHARDSON, who has had an interest in this issue and was one of those I had mentioned that wanted to go further with this legislation but was kind enough to work on a compromise with an understanding that we would work together in the next Congress on some other legislation dealing with the boxing issue.

Mr. Speaker, I ask for a favorable consideration of the bill, and I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield myself 30 seconds.

I would thank our friend and colleague, Senator MCCAIN, who I think, as everyone interested in this bill knows, started the process in this Congress in the Senate and has worked tirelessly, even though a Senator, to help get this bill to the floor of the House tonight. I do not think we would have gotten there without Senator MCCAIN and we are very grateful to him.

Mr. GOODLING. Mr. Speaker, I rise today in support of the Professional Boxing Safety Act of 1996. This legislation establishes minimum health and safety requirements for professional boxers and will improve the ability of State authorized boxing commissions to properly oversee professional boxing matches.

Currently, State athletic commissions have differing policies with regard to boxing. In one State, boxers, promoters, and managers may be required to meet certain standards, while another State may have no requirements or safety and health standards at all. The bill which we are considering today will make it easier for States to share information on suspensions of boxers and will help to ensure that all boxing matches are properly supervised by the appropriate State officials.

I would like to acknowledge the personal interest and hard work of the sponsors of the bill, Representative PAT WILLIAMS and Representative MICHAEL OXLEY. As a colleague of mine on the Economic and Educational Opportunities Committee, PAT WILLIAMS' effort over the years with regard to issues in the sport of boxing has helped to focus attention on the seriousness of the problems which exist in the sport and which, hopefully, will be reduced as a result of this legislation. I also appreciate the efforts of the athletic commission in my State of Pennsylvania and their assistance in improving the bill.

H.R. 4167 is identical to H.R. 1186, as reported by the Committee on Commerce on September 18, 1996. H.R. 1186 was introduced by Representative MICHAEL OXLEY on March 9, 1995 and referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on Commerce, which ordered the bill favorably reported by voice vote. Given the impending adjournment and since I support the Commerce Committee reported bill, I saw no reason to slow the legislative process, thus the Committee on Economic and Educational Opportunities did not report H.R. 1186 and I intend no prejudice to jurisdiction by these events.

H.R. 4167 is being considered today in lieu of H.R. 1186 and the legislative history which accompanies H.R. 1186 should be deemed to be part of the legislative history of H.R. 4167. The jurisdiction of the Committee on Economic and Educational Opportunities and the Committee on Commerce should not be prejudiced by these events.

Mr. RICHARDSON. Mr. Speaker, I rise in support of H.R. 4167, the Professional Boxing Safety Act of 1996. But, I want to express some serious reservations that I have with this piece of legislation.

Let me start out by saying thank you to the many people that have worked on professional boxing legislation this year and in the past: Senator MCCAIN; Senators ROTH of Delaware; Bryan of Nevada; DORGAN of North Dakota; PAT WILLIAMS; MAJOR OWENS; TOM MANTON; and Jim Florio.

I would especially like to thank Chairman BLILEY, MIKE OXLEY, and Ranking Member JOHN DINGELL for their work in shepherding this bill through a reluctant Commerce Committee. Finally, I would like to thank Gary Galemore of the Congressional Research Service who has crafted various boxing bill's since 1977.

Since my initial election to the House in 1983, I have associated myself with Congressional efforts to enact meaningful reform that adequately addresses the serious problems that plague the professional boxing world.

Although these efforts were initiated by Senator Estes Kefauver in the 1960s, Congress has been unable to enact meaningful reform. Numerous hearings and investigations have uncovered a world of improprieties that range from the influence of organized crime to atrocious health adn safety conditions for professional boxers.

Consider a sport that is heavily influenced by the likes of Don King, a convicted felon who could not testify before congressional committees because he was under a perennial FBI investigation.

The most notable discovery of these investigations is the existence of a haphazard patchwork of state rules governing the sport of boxing. This non-system of health and safety standards endangers the lives of thousands of young men who pursue boxing careers as a form of employment.

Consider a sport that will not allow Tommy Morrison to fight in New York because he has tested HIV positive, ye Morrison can go to another State that has no testing requirements and fight.

Boxing enthusiasts both in Congress and in the industry have agreed that legislation should require some form of Federal oversight to properly implement health and safety standards.

Let me make some points to my colleagues who argue that Congress has no role in the affairs of boxing. The provisions of the McCain-Oxley bill fit comfortably under the broad reach of the Commerce Clause. The interstate character of the industry has been recognized by the Supreme Count in connection with anti-trust regulation. The Court held that ''the promotion of professional championship boxing contests on a multistate basis, coupled with sale of rights to televise, broadcast, and film the contests for interstate transmission'' constitutes interstate commerce.

RESERVATIONS WITH THE MC CAIN-OXLEY BILL

Because I believe the McCain-Oxley bill is a good first step—particularly the inclusion of the Dingell amendment—I shall support it. However, I believe the bill comes up short in critical areas. I am afraid that without some degree of Federal oversight the unsavory elements of boxing will retain their influence with state boxing commissions and continue to work their will.

Simply put the bill does not address the main problem with boxing standards: lack of enforcement.

The bill's reliance on U.S. Attorneys to enforce the health and safety provisions is an extraordinary leap of faith on the part of this Congress. However, I commend the bill's authors for their efforts to include provisions designed to increase the interaction of state boxing officials and local law enforcement.

Without specific enforcement mechanisms designed to administer the legislation's new standards, we are forced to rely on state boxing commissions to police the sport. If we have learned anything since Estes Kefauver first began investigating boxing, it is that state boxing commissions—with several notable exceptions like New York and Nevada—are incapable, unwilling, or deliberately choosing not to enforce their own rules.

While I recognize the political constraints of enacting boxing legislation, I still feel that we will need to provide some legitimizing entity that allows honorable boxing interests to take the reins and lead the boxing industry to eventual self-regulation. We need to motivate the industry to clean up its own house.

I have maintained all along that this is the bill that Don King supports because it will put to rest the annual congressional review of the boxing industry. But I have retained assurances from Senator MCCAIN that Congress will not abandon this issue. We intend to monitor the effectiveness of this bill and if necessary will craft further legislation to right the wrongs that plague the boxing industry.

I have received assurances that my concerns will receive scrutiny either from a General Accounting Office [GAO] study, a President Commission on boxing, or both.

I encourage my colleagues to join me in issuing a challenge to the State Boxing Commissioners: Clean up the sport, or Congress will.

Mr. Speaker, I am supporting the McCain-Oxley legislation because it makes headway in two important areas.

First, this bill takes the important step of creating minimal Federal health and safety standards. This will send an important signal to the boxing industry that certain standards have to be met in order to conduct a match. Most importantly, this will set precedent in getting Congress involved in a serious matter that has for too long been overlooked.

Second, the bill includes a provision crafted by Ranking Member Dingell that will prohibit the numerous conflicts of interest that permeate the relationship of regulators and those regulated. I sincerely believe that this provision will go a long way in cleaning up the less-than-reputable business relationships that have damaged the integrity of the sport.

I am supporting this measure because I love the sport of boxing. Let me again say that this is the best bill that Congress can enact. But you can be sure that—unless real reform becomes apparent to Congress—this is not the last round of this fight.

Mr. DINGELL. Mr. Speaker, the House Commerce Committee has a long history of investigating problems in professional boxing. Since 1965, the committee has held numerous hearings and considered a broad array of legislation in this area. Over the years, persistent allegations of serious improprieties have plagued professional boxing, including: First, inadequate health and safety protections for boxers; second, organized crime influence; third, boxer exploitation; fourth, fan deception, such as mismatches and fixed contests; fifth, blatant conflicts of interest between regulators and those who promote and arrange matches; sixth, market monopolization; seventh, the industry's inability to police itself; and eighth, the inadequacy of existing regulation at the State and local levels. Despite a variety of efforts, no law has been enacted to date.

During the past few weeks, Representative MANTON and I have worked with Chairmen BLILEY and OXLEY, Representative WILLIAMS, Senators MCCAIN and BRYAN, and with others, to seek a consensus on this legislation. Last week, the Commerce Committee reported the same bill we are considering today by voice vote. I believe this compromise represents a positive step forward in trying to address some of the most egregious problems in the boxing industry.

In particular, I support the bill because it includes a provision that prohibits State boxing regulators from contracting with, belonging to, or receiving compensation from the boxing organizations they are charged with regulating. This should help address conflicts of interest between State regulators and the industry. It will not clean up all problems in the industry. But it is a positive step. It will lend credibility to State regulatory activities and prohibit incestuous relationships that too many State officials have developed with the boxing industry.

There are those who argue the bill does not go far enough and others who argue it goes too far. On balance, I believe the bill represents a sound bipartisan compromise that will strengthen State regulatory activities and promote improved health and safety standards.

I want to single out two Members for their contributions and leadership in this area. First, I commend our colleague, Mr. RICHARDSON. Over the years, he has authored several bills to improve oversight and regulation of the boxing industry. I understand his concerns that this bill does not go as far as he would prefer. Despite his misgivings, Mr. RICHARDSON has continued to be a constructive force in forging this bipartisan compromise. His efforts are greatly appreciated.

Second, I commend my good friend from Montana [Mr. WILLIAMS], the sponsor of this legislation. He has made many lasting contributions to the debate in this particular area. Unfortunately, he has announced his retirement at the end of this Congress. All of us will miss the leadership he has exhibited during his distinguished tenure in this body on this bill and, more importantly, on many other issues of national concern.

I urge all my colleagues to support this bipartisan legislation and yield back the time of my balance.

Mr. WILLIAMS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 4167.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 640, WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. BOEHLERT submitted the following conference report and statement on the Senate bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes:

CONFERENCE REPORT (H. REPORT. 104–843)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small flood control projects.
Sec. 103. Small bank stabilization projects.
Sec. 104. Small navigation projects.
Sec. 105. Small shoreline protection projects.
Sec. 106. Small snagging and sediment removal project, Mississippi River, Little Falls, Minnesota.

Sec. 107. Small projects for improvement of the environment.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cost sharing for dredged material disposal areas.
Sec. 202. Flood control policy.
Sec. 203. Cost sharing for feasibility studies.
Sec. 204. Restoration of environmental quality.
Sec. 205. Environmental dredging.
Sec. 206. Aquatic ecosystem restoration.
Sec. 207. Beneficial uses of dredged material.
Sec. 208. Recreation policy and user fees.
Sec. 209. Recovery of costs.
Sec. 210. Cost sharing for environmental projects.
Sec. 211. Construction of flood control projects by non-Federal interests.
Sec. 212. Engineering and environmental innovations of national significance.
Sec. 213. Lease authority.
Sec. 214. Collaborative research and development.
Sec. 215. National dam safety program.
Sec. 216. Hydroelectric power project uprating.
Sec. 217. Dredged material disposal facility partnerships.
Sec. 218. Obstruction removal requirement.
Sec. 219. Small project authorizations.
Sec. 220. Uneconomical cost-sharing requirements.
Sec. 221. Planning assistance to States.
Sec. 222. Corps of Engineers expenses.
Sec. 223. State and Federal agency review period.
Sec. 224. Section 215 reimbursement limitation per project.
Sec. 225. Melaleuca.
Sec. 226. Sediments decontamination technology.
Sec. 227. Shore protection.
Sec. 228. Conditions for project deauthorizations.
Sec. 229. Support of Army civil works program.
Sec. 230. Benefits to navigation.
Sec. 231. Loss of life prevention.
Sec. 232. Scenic and aesthetic considerations.
Sec. 233. Termination of technical advisory committee.
Sec. 234. Interagency and international support authority.
Sec. 235. Sense of Congress; requirement regarding notice.
Sec. 236. Technical corrections.
Sec. 237. Hopper dredges.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Project modifications.
Sec. 302. Mobile Harbor, Alabama.
Sec. 303. Nogales Wash and Tributaries, Arizona.
Sec. 304. White River Basin, Arkansas and Missouri.
Sec. 305. Channel Islands Harbor, California.
Sec. 306. Lake Elsinore, California.
Sec. 307. Los Angeles and Long Beach Harbors, San Pedro Bay, California.
Sec. 308. Los Angeles County drainage area, California.
Sec. 309. Prado Dam, California.
Sec. 310. Queensway Bay, California.
Sec. 311. Seven Oaks Dam, California.
Sec. 312. Thames River, Connecticut.
Sec. 313. Canaveral Harbor, Florida.
Sec. 314. Captiva Island, Florida.
Sec. 315. Central and Southern Florida, Canal 51.
Sec. 316. Central and Southern Florida, Canal 111.
Sec. 317. Jacksonville Harbor (Mill Cove), Florida.
Sec. 318. Panama City Beaches, Florida.
Sec. 319. Chicago, Illinois.
Sec. 320. Chicago Lock and Thomas J. O'Brien Lock, Illinois.
Sec. 321. Kaskaskia River, Illinois.
Sec. 322. Locks and Dam 26, Alton, Illinois and Missouri.
Sec. 323. White River, Indiana.
Sec. 324. Baptiste Collette Bayou, Louisiana.
Sec. 325. Lake Pontchartrain, Louisiana.
Sec. 326. Mississippi River-Gulf Outlet, Louisiana.
Sec. 327. Tolchester Channel, Maryland.
Sec. 328. Cross Village Harbor, Michigan.
Sec. 329. Saginaw River, Michigan.
Sec. 330. Sault Sainte Marie, Chippewa County, Michigan.
Sec. 331. St. Johns Bayou and New Madrid Floodway, Missouri.
Sec. 332. Lost Creek, Columbus, Nebraska.
Sec. 333. Passaic River, New Jersey.
Sec. 334. Acequias irrigation system, New Mexico.
Sec. 335. Jones Inlet, New York.
Sec. 336. Buford Trenton Irrigation District, North Dakota.
Sec. 337. Reno Beach-Howards Farm, Ohio.
Sec. 338. Broken Bow Lake, Red River Basin, Oklahoma.
Sec. 339. Wister Lake project, Leflore County, Oklahoma.
Sec. 340. Bonneville Lock and Dam, Columbia River, Oregon and Washington.
Sec. 341. Columbia River dredging, Oregon and Washington.
Sec. 342. Lackawanna River at Scranton, Pennsylvania.
Sec. 343. Mussers Dam, Middle Creek, Snyder County, Pennsylvania.
Sec. 344. Schuylkill River, Pennsylvania.
Sec. 345. South Central Pennsylvania.
Sec. 346. Wyoming Valley, Pennsylvania.
Sec. 347. Allendale Dam, North Providence, Rhode Island.
Sec. 348. Narragansett, Rhode Island.
Sec. 349. Clouter Creek disposal area, Charleston, South Carolina.
Sec. 350. Buffalo Bayou, Texas.
Sec. 351. Dallas floodway extension, Dallas, Texas.
Sec. 352. Grundy, Virginia.
Sec. 353. Haysi Lake, Virginia.
Sec. 354. Rudee Inlet, Virginia Beach, Virginia.
Sec. 355. Virginia Beach, Virginia.
Sec. 356. East Waterway, Washington.
Sec. 357. Bluestone Lake, West Virginia.
Sec. 358. Moorefield, West Virginia.
Sec. 359. Southern West Virginia.
Sec. 360. West Virginia trailhead facilities.
Sec. 361. Kickapoo River, Wisconsin.
Sec. 362. Teton County, Wyoming.
Sec. 363. Project reauthorizations.
Sec. 364. Project deauthorizations.
Sec. 365. Mississippi Delta Region, Louisiana.
Sec. 366. Monongahela River, Pennsylvania.

TITLE IV—STUDIES

Sec. 401. Corps capability study, Alaska.
Sec. 402. Red River, Arkansas.
Sec. 403. McDowell Mountain, Arizona.
Sec. 404. Nogales Wash and tributaries, Arizona.
Sec. 405. Garden Grove, California.
Sec. 406. Mugu Lagoon, California.
Sec. 407. Murrieta Creek, Riverside County, California.
Sec. 408. Pine Flat Dam fish and wildlife habitat restoration, California.
Sec. 409. Santa Ynez, California.
Sec. 410. Southern California infrastructure.
Sec. 411. Stockton, California.
Sec. 412. Yolo Bypass, Sacramento-San Joaquin Delta, California.
Sec. 413. West Dade, Florida.
Sec. 414. Savannah River Basin comprehensive water resources study.
Sec. 415. Chain of Rocks Canal, Illinois.
Sec. 416. Quincy, Illinois.
Sec. 417. Springfield, Illinois.
Sec. 418. Beauty Creek watershed, Valparaiso City, Porter County, Indiana.
Sec. 419. Grand Calumet River, Hammond, Indiana.
Sec. 420. Indiana Harbor Canal, East Chicago, Lake County, Indiana.
Sec. 421. Koontz Lake, Indiana.
Sec. 422. Little Calumet River, Indiana.
Sec. 423. Tippecanoe River watershed, Indiana.
Sec. 424. Calcasieu River, Hackberry, Louisiana.
Sec. 425. Morganza, Louisiana, to Gulf of Mexico.
Sec. 426. Huron River, Michigan.
Sec. 427. City of North Las Vegas, Clark County, Nevada.
Sec. 428. Lower Las Vegas Wash wetlands, Clark County, Nevada.
Sec. 429. Northern Nevada.
Sec. 430. Saco River, New Hampshire.
Sec. 431. Buffalo River greenway, New York.
Sec. 432. Coeymans, New York.
Sec. 433. New York Bight and Harbor study.
Sec. 434. Port of Newburgh, New York.
Sec. 435. Port of New York-New Jersey navigation study.
Sec. 436. Shinnecock Inlet, New York.
Sec. 437. Chagrin River, Ohio.
Sec. 438. Cuyahoga River, Ohio.
Sec. 439. Columbia Slough, Oregon.
Sec. 440. Charleston, South Carolina.
Sec. 441. Oahe Dam to Lake Sharpe, South Dakota.
Sec. 442. Mustang Island, Corpus Christi, Texas.
Sec. 443. Prince William County, Virginia.
Sec. 444. Pacific Region.
Sec. 445. Financing of infrastructure needs of small and medium ports.
Sec. 446. Evaluation of beach material.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Land conveyances.
Sec. 502. Namings.
Sec. 503. Watershed management, restoration, and development.
Sec. 504. Environmental infrastructure.
Sec. 505. Corps capability to conserve fish and wildlife.
Sec. 506. Periodic beach nourishment.
Sec. 507. Design and construction assistance.
Sec. 508. Lakes program.
Sec. 509. Maintenance of navigation channels.
Sec. 510. Chesapeake Bay environmental restoration and protection program.
Sec. 511. Research and development program to improve salmon survival.
Sec. 512. Columbia River Treaty fishing access.
Sec. 513. Great Lakes confined disposal facilities.
Sec. 514. Great Lakes dredged material testing and evaluation manual.
Sec. 515. Great Lakes remedial action plans and sediment remediation.
Sec. 516. Sediment management.
Sec. 517. Extension of jurisdiction of Mississippi River Commission.
Sec. 518. Sense of Congress regarding St. Lawrence Seaway tolls.
Sec. 519. Recreation partnership initiative.
Sec. 520. Field office headquarters facilities.
Sec. 521. Earthquake Preparedness Center of Expertise expansion.
Sec. 522. Jackson County, Alabama.
Sec. 523. Benton and Washington Counties, Arkansas.
Sec. 524. Heber Springs, Arkansas.
Sec. 525. Morgan Point, Arkansas.
Sec. 526. Calaveras County, California.
Sec. 527. Faulkner Island, Connecticut.
Sec. 528. Everglades and South Florida ecosystem restoration.
Sec. 529. Tampa, Florida.
Sec. 530. Watershed management plan for Deep River Basin, Indiana.
Sec. 531. Southern and Eastern Kentucky.
Sec. 532. Coastal wetlands restoration projects, Louisiana.
Sec. 533. Southeast Louisiana.
Sec. 534. Assateague Island, Maryland and Virginia.
Sec. 535. Cumberland, Maryland.
Sec. 536. William Jennings Randolph Access Road, Garrett County, Maryland.
Sec. 537. Poplar Island, Maryland.

Sec. 538. Erosion control measures, Smith Island, Maryland.
Sec. 539. Restoration projects for Maryland, Pennsylvania, and West Virginia.
Sec. 540. Control of aquatic plants, Michigan, Pennsylvania, and Virginia and North Carolina.
Sec. 541. Duluth, Minnesota, alternative technology project.
Sec. 542. Lake Superior Center, Minnesota.
Sec. 543. Redwood River basin, Minnesota.
Sec. 544. Coldwater River Watershed, Mississippi.
Sec. 545. Natchez Bluffs, Mississippi.
Sec. 546. Sardis Lake, Mississippi.
Sec. 547. St. Charles County, Missouri, flood protection.
Sec. 548. St. Louis, Missouri.
Sec. 549. Libby Dam, Montana.
Sec. 550. Hackensack Meadowlands area, New Jersey.
Sec. 551. Hudson River habitat restoration, New York.
Sec. 552. New York City Watershed.
Sec. 553. New York State Canal System.
Sec. 554. Orchard Beach, Bronx, New York.
Sec. 555. Dredged material containment facility for Port of New York-New Jersey.
Sec. 556. Queens County, New York.
Sec. 557. Jamestown Dam and Pipestem Dam, North Dakota.
Sec. 558. Northeastern Ohio.
Sec. 559. Ohio River Greenway.
Sec. 560. Grand Lake, Oklahoma.
Sec. 561. Broad Top region of Pennsylvania.
Sec. 562. Curwensville Lake, Pennsylvania.
Sec. 563. Hopper dredge McFarland.
Sec. 564. Philadelphia, Pennsylvania.
Sec. 565. Seven Points Visitors Center, Raystown Lake, Pennsylvania.
Sec. 566. Southeastern Pennsylvania.
Sec. 567. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 568. Wills Creek, Hyndman, Pennsylvania.
Sec. 569. Blackstone River Valley, Rhode Island and Massachusetts.
Sec. 570. Dredged material containment facility for Port of Providence, Rhode Island.
Sec. 571. Quonset Point-Davisville, Rhode Island.
Sec. 572. East Ridge, Tennessee.
Sec. 573. Murfreesboro, Tennessee.
Sec. 574. Tennessee River, Hamilton County, Tennessee.
Sec. 575. Harris County, Texas.
Sec. 576. Neabsco Creek, Virginia.
Sec. 577. Tangier Island, Virginia.
Sec. 578. Pierce County, Washington.
Sec. 579. Greenbrier River Basin, West Virginia, flood protection.
Sec. 580. Lower Mud River, Milton, West Virginia.
Sec. 581. West Virginia and Pennsylvania flood control.
Sec. 582. Site designation.
Sec. 583. Long Island Sound.
Sec. 584. Water monitoring station.
Sec. 585. Overflow management facility.
Sec. 586. Privatization of infrastructure assets.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

Sec. 601. Extension of expenditure authority under Harbor Maintenance Trust Fund.

SEC. 2. DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Report of the Chief of Engineers, dated June 27, 1996, at a total cost of $56,900,000, with an estimated Federal cost of $42,675,000 and an estimated non-Federal cost of $14,225,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood damage reduction plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) 25 percent of the costs incurred for the variable flood control operation of the Folsom Dam and Reservoir during the 4-year period beginning on the date of the enactment of this Act and 100 percent of such costs thereafter.

(2) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,180,000.

(3) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $28,300,000, with an estimated Federal cost of $18,400,000 and an estimated non-Federal cost of $9,900,000.

(4) PORT OF LONG BEACH (DEEPENING), CALIFORNIA.—The project for navigation, Port of Long Beach (Deepening), California: Report of the Chief of Engineers, dated July 26, 1996, at a total cost of $37,288,000, with an estimated Federal cost of $14,318,000 and an estimated non-Federal cost of $22,970,000.

(5) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $21,800,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $10,900,000 and habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(6) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,840,000, with an estimated Federal cost of $4,670,000 and an estimated non-Federal cost of $1,170,000.

(7) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica Breakwater, Santa Monica, California: Report of the Chief of Engineers, dated June 7, 1996, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(8) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of $17,144,000, with an estimated Federal cost of $12,858,000 and an estimated non-Federal cost of $4,286,000.

(9) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic Intracoastal Waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,881,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a non-Federal responsibility, and the non-Federal interest shall assume ownership of the bridge.

(10) CEDAR HAMMOCK (WARES CREEK), FLORIDA.—The project for flood control, Cedar Hammock (Wares Creek), Manatee County, Florida: Report of the Chief of Engineers, dated August 23, 1996, at a total cost of $13,846,000, with an estimated Federal cost of $10,385,000 and an estimated non-Federal cost of $3,461,000.

(11) LOWER SAVANNAH RIVER BASIN, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Georgia and South Carolina: Report of the Chief of Engineers dated, July 30, 1996, at a total cost of $3,431,000, with an estimated Federal cost of $2,573,000 and an estimated non-Federal cost of $858,000.

(12) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of $11,470,000, with an estimated Federal cost of $7,460,000 and an estimated non-Federal cost of $4,010,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest—

(A) in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(B) in constructing the breakwater near the South Water Filtration Plant in Chicago, Illinois.

(13) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $393,200,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(14) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,080,000, with an estimated Federal cost of $10,993,000 and an estimated non-Federal cost of $5,087,000.

(15) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydropower, Wolf

Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $53,763,000, with an estimated non-Federal cost of $53,763,000. Funds derived by the Tennessee Valley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used to pay all or part of the costs of the project.

(16) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—The project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $4,440,000, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $2,140,000.

(17) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $126,000,000, with an estimated Federal cost of $82,200,000 and an estimated non-Federal cost of $43,800,000.

(18) BLUE RIVER BASIN, KANSAS CITY, MISSOURI.—The project for flood control, Blue River Basin, Kansas City, Missouri: Report of the Chief of Engineers, dated September 5, 1996, at a total cost of $17,082,000, with an estimated Federal cost of $12,043,000 and an estimated non-Federal cost of $5,039,000.

(19) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $11,800,000, with an estimated Federal cost of $6,040,000 and an estimated non-Federal cost of $5,760,000.

(20) LAS CRUCES, NEW MEXICO.—The project for flood control, Las Cruces, New Mexico: Report of the Chief of Engineers, dated June 24, 1996, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(21) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

(22) CAPE FEAR—NORTHEAST (CAPE FEAR) RIVERS, NORTH CAROLINA.—The project for navigation, Cape Fear—Northeast (Cape Fear) Rivers, North Carolina: Report of the Chief of Engineers, dated September 9, 1996, at a total cost of $221,735,000, with an estimated Federal cost of $132,936,000 and an estimated non-Federal cost of $88,799,000.

(23) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,953,000, with an estimated Federal cost of $15,572,000 and an estimated non-Federal cost of $8,381,000.

(24) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,947,000, with an estimated Federal cost of $11,960,000 and an estimated non-Federal cost of $3,987,000.

(25) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1996, at a total Federal cost of $38,000,000.

(26) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of $19,951,000, with an estimated Federal cost of $10,557,000 and an estimated non-Federal cost of $9,394,000.

(27) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor Deepening and Widening, South Carolina: Report of the Chief of Engineers, dated July 18, 1996, at a total cost of $116,639,000, with an estimated Federal cost of $71,940,000 and an estimated non-Federal cost of $44,699,000.

(28) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $34,600,000, with an estimated Federal cost of $25,900,000 and an estimated non-Federal cost of $8,700,000.

(29) GULF INTRACOASTAL WATERWAY, ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated May 28, 1996, at a total cost of $18,283,000, with an estimated Federal cost of $18,283,000.

(30) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $298,334,000, with an estimated Federal cost of $197,237,000 and an estimated non-Federal cost of $101,097,000, and an average annual cost of $786,000 for future environmental restoration over the 50-year life of the project, with an estimated annual Federal cost of $590,000 and an estimated annual non-Federal cost of $196,000. The removal of pipelines and other obstructions that are necessary for the project shall be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to construction for design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(31) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(b) PROJECTS SUBJECT TO REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report (or in the case of the project described in paragraph (10), a Detailed Project Report) of the Corps of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,282,000 and an estimated non-Federal cost of $6,083,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,700,000, with an estimated Federal cost of $3,700,000 and an estimated non-Federal cost of $2,000,000.

(3) ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA.—The project for navigation, St. Paul Harbor, St. Paul, Alaska, at a total cost of $18,981,000, with an estimated Federal cost of $12,239,000 and an estimated non-Federal cost of $6,742,000.

(4) NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.—The project for bluff stabilization, Norco Bluffs, Riverside County, California, at a total cost of $8,600,000, with an estimated Federal cost of $6,450,000 and an estimated non-Federal cost of $2,150,000.

(5) TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.—The project for flood control and water supply, Terminus Dam, Kaweah River, California, at a total cost of $34,500,000, with an estimated Federal cost of $20,200,000 and an estimated non-Federal cost of $14,300,000.

(6) REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.—The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, at a total cost of $9,423,000, with an estimated Federal cost of $6,125,000 and an estimated non-Federal cost of $3,298,000, and an estimated average annual cost of $282,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $183,000 and an estimated annual non-Federal cost of $99,000.

(7) BREVARD COUNTY, FLORIDA.—The project for shoreline protection, Brevard County, Florida, at a total cost of $76,620,000, with an estimated Federal cost of $36,006,000 and an estimated non-Federal cost of $40,614,000, and an estimated average annual cost of $2,341,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,109,000 and an estimated annual non-Federal cost of $1,232,000.

(8) LAKE WORTH INLET, FLORIDA.—The project for navigation and shoreline protection, Lake Worth Inlet, Palm Beach Harbor, Florida, at a total cost of $3,915,000.

(9) MIAMI HARBOR CHANNEL, FLORIDA.—The project for navigation, Miami Harbor Channel, Miami, Florida, at a total cost of $3,221,000, with an estimated Federal cost of $1,800,000 and an estimated non-Federal cost of $1,421,000.

(10) NEW HARMONY, INDIANA.—The project for streambank erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(11) WESTWEGO TO HARVEY CANAL, LOUISIANA.—The project for hurricane damage prevention and flood control, West Bank Hurricane Protection (Lake Cataouatche Area), Jefferson Parish, Louisiana, at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(12) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor Connecting Channels, Delaware and Maryland, at a total cost of $82,800,000, with an estimated Federal cost of $53,852,000 and an estimated non-Federal cost of $28,948,000.

(13) ABSECON ISLAND, NEW JERSEY.—The project for storm damage reduction and shoreline protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, at a total cost of $52,000,000, with an estimated Federal cost of $34,000,000 and an estimated non-Federal cost of $18,000,000.

SEC. 102. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) SOUTH UPLAND, SAN BERNADINO COUNTY, CALIFORNIA.—Project for flood control, South Upland, San Bernadino County, California.

(2) BIRDS, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Birds, Lawrence County, Illinois.

(3) BRIDGEPORT, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Bridgeport, Lawrence County, Illinois.

(4) EMBARRAS RIVER, VILLA GROVE, ILLINOIS.—Project for flood control, Embarras River, Villa Grove, Illinois.

(5) FRANKFORT, WILL COUNTY, ILLINOIS.—Project for flood control, Frankfort, Will County, Illinois.

(6) SUMNER, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Sumner, Lawrence County, Illinois.

(7) VERMILLION RIVER, DEMONADE PARK, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Demonade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUAIL HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any), the Secretary shall determine the feasibility of potential flood control measures, consider potential storm water runoff and related improvements, and cooperate with the Metropolitan St. Louis Sewer District.

(14) MALTA, MONTANA.—Project for flood control, Malta, Montana.

(15) BUFFALO CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Buffalo Creek, Erie County, New York.

(16) CAZENOVIA CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Cazenovia Creek, Erie County, New York.

(17) CHEEKTOWAGA, ERIE COUNTY, NEW YORK.—Project for flood control, Cheektowaga, Erie County, New York.

(18) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—Project for flood control, Fulmer Creek, village of Mohawk, New York.

(19) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—Project for flood control, Moyer Creek, village of Frankfort, New York.

(20) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—Project for flood control, Sauquoit Creek, Whitesboro, New York.

(21) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, village of Ilion, New York.

(22) WILLAMETTE RIVER, OREGON.—Project for nonstructural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ST. JOSEPH RIVER, INDIANA.—Project for bank stabilization, St. Joseph River, South Bend, Indiana, including recreation and pedestrian access features.

(2) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

(3) CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for bank stabilization, Cumberland River, Nashville, Tennessee.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) AKUTAN, ALASKA.—Project for navigation, Akutan, Alaska, consisting of a bulkhead and a wave barrier, including application of innovative technology involving use of a permeable breakwater.

(2) ILLINOIS AND MICHIGAN CANAL, ILLINOIS.—Project for navigation, Illinois and Michigan Canal, Illinois, including marina development at Lock 14.

(3) GRAND MARAIS HARBOR BREAKWATER, MICHIGAN.—Project for navigation, Grand Marais Harbor breakwater, Michigan.

(4) DULUTH, MINNESOTA.—Project for navigation, Duluth, Minnesota.

(5) TACONITE, MINNESOTA.—Project for navigation, Taconite, Minnesota.

(6) TWO HARBORS, MINNESOTA.—Project for navigation, Two Harbors, Minnesota.

(7) CARUTHERSVILLE HARBOR, PEMISCOT COUNTY, MISSOURI.—Project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(8) NEW MADRID COUNTY HARBOR, MISSOURI.—Project for navigation, New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(9) BROOKLYN, NEW YORK.—Project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

(10) BUFFALO INNER HARBOR, BUFFALO, NEW YORK.—Project for navigation, Buffalo Inner Harbor, Buffalo, New York, including enlargement of the existing harbor and bank stabilization measures.

(11) GLENN COVE CREEK, NEW YORK.—Project for navigation, Glenn Cove Creek, New York, including bulkheading.

(12) UNION SHIP CANAL, BUFFALO AND LACKAWANNA, NEW YORK.—Project for navigation, Union Ship Canal, Buffalo and Lackawanna, New York.

SEC. 105. SMALL SHORELINE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, may carry out the project under section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g; 60 Stat. 1056):

(1) FORT PIERCE, FLORIDA.—Project for 1 mile of additional shoreline protection, Fort Pierce, Florida.

(2) SYLVAN BEACH BREAKWATER, VERONA, ONEIDA COUNTY, NEW YORK.—Project for shoreline protection, Sylvan Beach breakwater, Verona, Oneida County, New York.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, including removal of sediment from culverts. The study shall include a determination of the adequacy of culverts to maintain flows through the channel. If the Secretary determines that the project is feasible, the Secretary may carry out the project under section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) PINE FLAT DAM, CALIFORNIA.—Project for fish and wildlife habitat restoration, Pine Flat Dam, Kings River, California, including construction of a turbine bypass.

(2) UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(3) WHITTIER NARROWS DAM, CALIFORNIA.—Project for environmental restoration and remediation of contaminated water sources, Whittier Narrows Dam, California.

(4) LOWER AMAZON CREEK, OREGON.—Project for environmental restoration, Lower Amazon Creek, Oregon, consisting of environmental restoration measures relating to the flood reduction measures constructed by the Corps of Engineers and the related flood reduction measures constructed by the Natural Resources Conservation Service.

(5) ASHLEY CREEK, UTAH.—Project for fish and wildlife restoration, Ashley Creek near Vernal, Utah.

(6) UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

TITLE II—GENERAL PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) CONSTRUCTION.—Section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat. 4082–4083) is amended—

(1) in paragraph (2) by striking the last sentence and inserting the following: ''The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.'';

(2) in paragraph (3)—

(A) by inserting ''and'' after ''rights-of-way,'';

(B) by striking '', and dredged material disposal areas''; and

(C) by inserting '', including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities'' before the period at the end of such paragraph; and

(3) by adding at the end the following:

''(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—In this subsection, the term 'general navigation features' includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.''.

(b) OPERATION AND MAINTENANCE.—Section 101(b) of such Act (33 U.S.C. 2211(b); 100 Stat. 4083) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Federal'';

(2) by indenting and moving paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right;

(3) by striking ''pursuant to this Act'' and inserting ''by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act''; and

(4) by adding at the end the following:

''(2) DREDGED MATERIAL DISPOSAL FACILITIES.—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).''.

(c) AGREEMENT.—Section 101(e)(1) of such Act (33 U.S.C. 2211(e)(1); 100 Stat. 4083) is amended by striking ''and to provide dredged material disposal areas and perform'' and inserting ''including those necessary for dredged material disposal facilities, and perform''.

(d) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—Section 101 of such Act (33 U.S.C. 2211; 100 Stat. 4082–4084) is amended by adding at the end the following:

''(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that—

''(1) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities in accordance with subsections (a) and (b);

''(2) funds expended for such construction are apportioned equitably in accordance with regional needs; and

''(3) use of a dredged material disposal facility designed, constructed, managed, or operated by a private entity is not precluded if, consistent with economic and environmental considerations, the facility is the least-cost alternative.''.

(e) ELIGIBLE OPERATIONS AND MAINTENANCE DEFINED.—Section 214(2) of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended—

(1) in subparagraph (A)—

(A) by inserting ''Federal'' after ''means all'';

(B) by inserting ''(i)'' after ''including''; and

(C) by inserting before the period at the end the following: ''; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments that are in or that affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities''; and

(2) in subparagraph (C) by striking ''rights-of-way, or dredged material disposal areas,'' and inserting ''or rights-of-way,''.

(f) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendments made by this section to any project for which a contract for construction has not been awarded on or before that date.

(g) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by this section) shall increase, or result in the increase of, the non-Federal share of the costs of—

(1) expanding any confined dredged material disposal facility that is operated by the Secretary and that is authorized for cost recovery through the collection of tolls;

(2) any confined dredged material disposal facility for which the invitation for bids for construction was issued before the date of the enactment of this Act; and

(3) expanding any confined dredged material disposal facility constructed under section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a) if the capacity of the confined dredged material disposal facility was exceeded in less than 6 years.

SEC. 202. FLOOD CONTROL POLICY.

(a) FLOOD CONTROL COST SHARING.—

(1) INCREASED NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—Subsections (a) and (b) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a) and (b)) are each amended by striking ''25 percent'' each place it appears and inserting ''35 percent''.

(B) APPLICABILITY.—The amendments made by subparagraph (A) shall apply to any project authorized after the date of the enactment of this Act and to any flood control project that is not specifically authorized by Congress for which a Detailed Project Report is approved after such date of enactment or, in the case of a project for which no Detailed Project Report is prepared, construction is initiated after such date of enactment.

(2) PHYSICAL CONSTRUCTION DEFINED.—Section 103(e)(1) of such Act (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: ''For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.''.

(b) ABILITY TO PAY.—

(1) IN GENERAL.—Section 103(m) of such Act (33 U.S.C. 2213(m)) is amended to read as follows:

''(m) ABILITY TO PAY.—

''(1) IN GENERAL.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

''(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; except that such criteria and procedures shall be revised within 1 year after such date of enactment to reflect the requirements of paragraph (3).

''(3) REVISION OF CRITERIA AND PROCEDURES.—In revising criteria and procedures pursuant to paragraph (2), the Secretary—

''(A) shall consider—

''(i) per capita income data for the county or counties in which the project is to be located; and

''(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

''(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; and

''(C) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

''(4) NON-FEDERAL SHARE.—Notwithstanding subsection (a), the Secretary may reduce the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under criteria and procedures in effect under paragraphs (1), (2), and (3).''.

(2) APPLICABILITY.—

(A) GENERALLY.—Subject to subparagraph (C), the amendment made by paragraph (1) shall apply to any project, or separable element thereof, with respect to which the Secretary and the non-Federal interest enter into a project cooperation agreement after December 31, 1997.

(B) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendment made by paragraph (1) to any project for which a contract for construction has not been awarded on or before such date of enactment.

(C) NON-FEDERAL OPTION.—If requested by the non-Federal interest, the Secretary shall apply the criteria and procedures established pursuant to section 103(m) of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act for projects that are authorized before the date of the enactment of this Act.

(c) FLOODPLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—Section 402 of such Act (33 U.S.C. 701b–12; 100 Stat. 4133) is amended to read as follows:

''SEC. 402. FLOODPLAIN MANAGEMENT REQUIREMENTS.

''(a) COMPLIANCE WITH FLOODPLAIN MANAGEMENT AND INSURANCE PROGRAMS.—Before construction of any project for local flood protection, or any project for hurricane or storm damage reduction, that involves Federal assistance from the Secretary, the non-Federal interest shall agree to participate in and comply with applicable Federal floodplain management and flood insurance programs.

''(b) FLOOD PLAIN MANAGEMENT PLANS.—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

''(c) GUIDELINES.—

''(1) IN GENERAL.—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of floodplain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices, and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural floodplain values.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary or the Director of the Federal Emergency Management Agency.

''(d) TECHNICAL SUPPORT.—The Secretary may provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(d) NONSTRUCTURAL FLOOD CONTROL POLICY.—

(1) REVIEW.—The Secretary shall conduct a review of policies, procedures, and techniques relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying nonstructural flood control measures as alternatives to structural measures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings of the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) EMERGENCY RESPONSE.—Section 5(a)(1) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the

first semicolon the following: ``, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor''.

(f) LEVEE OWNERS MANUAL.—Section 5 of such Act of August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

``(c) LEVEE OWNERS MANUAL.—

``(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary of the Army shall prepare a manual describing the maintenance and upkeep responsibilities that the Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

``(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this subsection.

``(3) DEFINITIONS.—In this subsection, the following definitions apply:

``(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

``(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

``(i) means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; but

``(ii) does not include—

``(I) any improvement to the structure; or

``(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.''.

(g) VEGETATION MANAGEMENT GUIDELINES.—

(1) REVIEW.—The Secretary shall undertake a comprehensive review of the current policy guidelines on vegetation management for levees. The review shall examine current policies in view of the varied interests in providing flood control, preserving, protecting, and enhancing natural resources, protecting the rights of Native Americans pursuant to treaty and statute, and such other factors as the Secretary considers appropriate.

(2) COOPERATION AND CONSULTATION.—The review under this section shall be undertaken in cooperation with interested Federal agencies and in consultation with interested representatives of State and local governments and the public.

(3) REVISION OF GUIDELINES.—Based upon the results of the review, the Secretary shall revise, not later than 270 days after the date of the enactment of this Act, the policy guidelines so as to provide a coherent and coordinated policy for vegetation management for levees. Such revised guidelines shall address regional variations in levee management and resource needs and shall be incorporated in the manual proposed under section 5(c) of such Act of August 18, 1941 (33 U.S.C. 701n).

(h) RISK-BASED ANALYSIS METHODOLOGY.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study of the Corps of Engineers' use of risk-based analysis for the evaluation of hydrology, hydraulics, and economics in flood damage reduction studies. The study shall include—

(A) an evaluation of the impact of risk-based analysis on project formulation, project economic justification, and minimum engineering and safety standards; and

(B) a review of studies conducted using risk-based analysis to determine—

(i) the scientific validity of applying risk-based analysis in these studies; and

(ii) the impact of using risk-based analysis as it relates to current policy and procedures of the Corps of Engineers.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under paragraph (1), as well as such recommendations as the Secretary considers appropriate.

(3) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of the enactment of this Act and ending 18 months after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in paragraph (1) for the evaluation and design of a project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000 to carry out this subsection.

SEC. 203. COST SHARING FOR FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

``(1) COST SHARING.—

``(A) IN GENERAL.—The Secretary shall not initiate any feasibility study for a water resources project after November 17, 1986, until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the study.

``(B) PAYMENT OF COST SHARE DURING PERIOD OF STUDY.—During the period of the study, the non-Federal share of the cost of the study payable under subparagraph (A) shall be 50 percent of the sum of—

``(i) the cost estimate for the study as contained in the feasibility cost-sharing agreement; and

``(ii) any excess of the cost of the study over the cost estimate if the excess results from—

``(I) a change in Federal law; or

``(II) a change in the scope of the study requested by the non-Federal interests.

``(C) PAYMENT OF COST SHARE ON AUTHORIZATION OF PROJECT OR TERMINATION OF STUDY.—

``(i) PROJECT TIMELY AUTHORIZED.—Except as otherwise agreed to by the Secretary and the non-Federal interests and subject to clause (ii), the non-Federal share of any excess of the cost of the study over the cost estimate (excluding any excess cost described in subparagraph (B)(ii)) shall be payable on the date on which the Secretary and the non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j) with respect to the project.

``(ii) PROJECT NOT TIMELY AUTHORIZED.—If the project that is the subject of the study is not authorized by the date that is 5 years after the completion of the final report of the Chief of Engineers concerning the study or the date that is 2 years after the termination of the study, the non-Federal share of any excess of the cost of the study over the cost estimate (excluding any excess cost described in subparagraph (B)(ii)) shall be payable to the United States on that date.

``(D) AMENDMENT OF COST ESTIMATE.—The cost estimate referred to in subparagraph (B)(i) may be amended only by agreement of the Secretary and the non-Federal interests.

``(E) IN-KIND CONTRIBUTIONS.—Not more than ½ of the non-Federal share required under this paragraph may be satisfied by the provision of services, materials, supplies, or other in-kind services necessary to prepare the feasibility report.''; and

(2) in paragraph (2) by striking ``(2) This subsection'' and inserting the following:

``(2) APPLICABILITY.—This subsection''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost-sharing agreement entered into by the Secretary and the non-Federal interests. On request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of the enactment of this Act so as to conform the agreements with the amendments.

(c) NO REQUIREMENT OF REIMBURSEMENT.—Nothing in this section or any amendment made by this section requires the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

(a) REVIEW OF PROJECTS.—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)) is amended—

(1) by striking ``the operation of''; and

(2) by inserting before the period at the end the following: ``and to determine if the operation of such projects has contributed to the degradation of the quality of the environment''.

(b) PROGRAM OF PROJECTS.—Section 1135(b) of such Act is amended by striking the last 2 sentences.

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—Section 1135 of such Act is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following:

``(c) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that construction of a water resources project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, through modifications either at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

``(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification or measure. Not more than $5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.''; and

(3) in subsection (f) (as so redesignated) by striking ``program conducted under subsection (b)'' and inserting ``programs conducted under subsections (b) and (c)''.

(d) DEFINITION.—Section 1135 of such Act (as amended by subsection (c)(1) of this section) is amended by adding at the end the following:

``(h) DEFINITION.—In this section, the term 'water resources project constructed by the Secretary' includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).''.

SEC. 205. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1252 note; 104 Stat. 4639–4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting ``and remediate'' after ``remove'' each place it appears;

(2) in subsection (b)—

(A) in paragraph (1) by inserting ``and remediation'' after ``removal'' each place it appears; and

(B) in paragraph (2) by striking ``$10,000,000'' and inserting ``$20,000,000''; and

(3) by striking subsection (f) and inserting the following:

``(f) PRIORITY WORK.—In carrying out this section, the Secretary shall give priority to work in the following areas:

``(1) Brooklyn Waterfront, New York.

''(2) Buffalo Harbor and River, New York.
''(3) Ashtabula River, Ohio.
''(4) Mahoning River, Ohio.
''(5) Lower Fox River, Wisconsin.''.

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) GENERAL AUTHORITY.—The Secretary may carry out an aquatic ecosystem restoration and protection project if the Secretary determines that the project—

(1) will improve the quality of the environment and is in the public interest; and

(2) is cost-effective.

(b) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326; 106 Stat. 4826) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion. The Federal share of such incremental costs shall be determined in accordance with subsection (c).''.

SEC. 208. RECREATION POLICY AND USER FEES.

(a) RECREATION POLICY.—

(1) IN GENERAL.—The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) USER FEES.—

(1) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) is amended by inserting before the period at the end the following: ''and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of such Act at the water resources development project at which the fees were collected''.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal years 1995 and 1996, on—

(A) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) at each water resources development project; and

(B) the administrative costs associated with the collection of the day-use fees at each water resources development project.

(c) ALTERNATIVE TO ANNUAL PASSES.—

(1) IN GENERAL.—The Secretary shall evaluate the feasibility of implementing an alternative to the $25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(2) ANNUAL PASS.—The evaluation under paragraph (1) shall include the establishment on a test basis of an annual pass that costs $10 or less for the use of recreation facilities, including facilities at Raystown Lake, Pennsylvania.

(3) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the evaluation carried out under this subsection, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

(4) EXPIRATION OF AUTHORITY.—The authority to establish an annual pass under paragraph (2) shall expire on the later of December 31, 1999, or the date of transmittal of the report under paragraph (3).

SEC. 209. RECOVERY OF COSTS.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Department of the Army and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Department of the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 210. COST SHARING FOR ENVIRONMENTAL PROJECTS.

(a) IN GENERAL.—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c); 100 Stat. 4085) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by inserting after paragraph (6) the following:

''(7) environmental protection and restoration: 35 percent; except that nothing in this paragraph shall affect or limit the applicability of section 906.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) STUDIES AND DESIGN ACTIVITIES.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to provide to the United States funds for the studies and design activities during the period in which the studies and design activities will be conducted.

(c) COMPLETION OF STUDIES AND DESIGN ACTIVITIES.—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary may complete and transmit to the appropriate non-Federal interests the study or design documents or, upon the request of such non-Federal interests, terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest that has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project, or separable element of a flood control project, based on the results of completed studies and design documents for the project or element may carry out the project or element if a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority. Such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to appropriations Acts, the Secretary may reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element of a flood control project, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) SPECIAL RULES.—

(A) REIMBURSEMENT.—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) CREDIT.—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary considers appropriate.

(4) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this

section by a non-Federal interest to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—The Secretary may not make any reimbursement under this section until the Secretary determines that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) BERRYESSA CREEK, CALIFORNIA.—The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) STOCKTON METROPOLITAN AREA, CALIFORNIA.—The project for flood control, Stockton Metropolitan Area, California.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The project for flood control, Upper Guadalupe River, California.

(5) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803).

(6) BRAYS BAYOU, TEXAS.—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(7) HUNTING BAYOU, TEXAS.—The Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(8) WHITE OAK BAYOU, TEXAS.—The project for flood control, White Oak Bayou watershed, Texas.

(g) TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized separable element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

(a) SURVEYS, PLANS, AND STUDIES.—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports that may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1997 through 2000.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199), under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) FUNDING FROM OTHER FEDERAL SOURCES.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313; 102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting ''civil works'' before ''mission''; and

(2) by striking subsection (e) and inserting the following:

''(e) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out this section.''.

(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—Section 7 of such Act is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following:

''(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—

''(1) IN GENERAL.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

''(2) TREATMENT.—Any technology covered by this section that becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement.''; and

(3) in subsection (d) (as so redesignated) by striking ''(b)'' and inserting ''(c)''.

SEC. 215. NATIONAL DAM SAFETY PROGRAM.

(a) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is it the intent of this section to mandate State participation in the grant assistance program to be established under this section.

(b) EFFECT ON OTHER DAM SAFETY PROGRAMS.—Nothing in this section (including the amendments made by this section) shall preempt or otherwise affect any dam safety program of a Federal agency other than the Federal Emergency Management Agency, including any program that regulates, permits, or licenses any activity affecting a dam.

(c) DAM SAFETY PROGRAM.—The Act entitled ''An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams'', approved August 8, 1972 (33 U.S.C 467 et seq.; Public Law 92–367), is amended—

(1) by striking the 1st section and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'National Dam Safety Program Act'.'';

(2) by striking sections 5 through 14;

(3) by redesignating sections 2, 3, and 4 as sections 3, 4, and 5, respectively;

(4) by inserting after section 1 (as amended by paragraph (1) of this subsection) the following:

''SEC. 2. DEFINITIONS.

''In this Act, the following definitions apply:

''(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

''(2) DAM.—The term 'dam'—

''(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

''(i) is 25 feet or more in height from—

''(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

''(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

''(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

''(B) does not include—

''(i) a levee; or

''(ii) a barrier described in subparagraph (A) that—

''(I) is 6 feet or less in height regardless of storage capacity; or

''(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

''(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

''(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

''(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

''(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

''(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

''(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

''(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

''(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

''(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

''(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.'';

(5) in section 3 (as redesignated by paragraph (3) of this subsection)—

(A) by striking ''SEC. 3. As'' and inserting the following:

''SEC. 3. INSPECTION OF DAMS.

''(a) IN GENERAL.—As''; and

(B) by adding at the end the following:

''(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

''(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

''(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.'';

(6) in section 4 (as redesignated by paragraph (3) of this subsection) by striking ''SEC. 4. As'' and inserting the following:

''SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

''As'';

(7) in section 5 (as redesignated by paragraph (3) of this subsection) by striking ''SEC. 5. For'' and inserting the following:

''SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

''For''; and

(8) by inserting after section 5 (as redesignated by paragraph (3) of this subsection) the following:

''SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

''SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

''(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

''(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

''(2) chaired by the Director.

''(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

''(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

''(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

''SEC. 8. NATIONAL DAM SAFETY PROGRAM.

''(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

''(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

''(2) involve, to the extent appropriate, each Federal agency; and

''(3) include—

''(A) each of the components described in subsection (d);

''(B) the implementation plan described in subsection (e); and

''(C) assistance for State dam safety programs described in subsection (f).

''(b) DUTIES.—The Director shall—

''(1) not later than 270 days after the date of the enactment of this paragraph, develop the implementation plan described in subsection (e);

''(2) not later than 300 days after the date of the enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

''(3) by regulation, not later than 360 days after the date of the enactment of this paragraph—

''(A) develop and implement the Program;

''(B) establish goals, priorities, and target dates for implementation of the Program; and

''(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

''(c) OBJECTIVES.—The objectives of the Program are to—

''(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

''(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

''(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

''(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

''(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

''(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

''(d) COMPONENTS.—

''(1) IN GENERAL.—The Program shall consist of—

''(A) a Federal element and a non-Federal element; and

''(B) leadership activity, technical assistance activity, and public awareness activity.

''(2) ELEMENTS.—

''(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

''(B) NON-FEDERAL.—The non-Federal element shall consist of—

''(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

''(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

''(3) FUNCTIONAL ACTIVITIES.—

''(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

''(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

''(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

''(e) IMPLEMENTATION PLAN.—The Director shall—

''(1) develop an implementation plan for the Program that shall set, through fiscal year 2002, year-by-year targets that demonstrate improvements in dam safety; and

''(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

''(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

''(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

''(A) in accordance with the criteria specified in paragraph (2); and

''(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

''(2) CRITERIA AND BUDGETING REQUIREMENT.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria and budgeting requirement, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and budgeting requirement and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

''(A) CRITERIA.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include substantially, at a minimum—

''(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

''(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

''(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

''(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

''(II) a procedure for more detailed and frequent safety inspections;

''(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

''(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

''(vii) regulations for carrying out the legislation of the State described in this subparagraph;

''(viii) provision for necessary funds—

''(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

''(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

''(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

''(x) an identification of—

''(I) each dam the failure of which could be reasonably expected to endanger human life;

''(II) the maximum area that could be flooded if the dam failed; and

''(III) necessary public facilities that would be affected by the flooding.

''(B) BUDGETING REQUIREMENT.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

''(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work

plan necessary for the State dam safety program to reach a level of program performance specified in the contract.

''(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of such expenditures for the 2 fiscal years preceding the fiscal year.

''(5) APPROVAL OF PROGRAMS.—

''(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director for approval.

''(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to meet the requirements of paragraphs (1) through (3).

''(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

''(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

''(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

''(h) BOARD.—

''(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

''(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

''(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

''(A) 1 member shall represent the Department of Agriculture;

''(B) 1 member shall represent the Department of Defense;

''(C) 1 member shall represent the Department of the Interior;

''(D) 1 member shall represent FEMA;

''(E) 1 member shall represent the Federal Energy Regulatory Commission;

''(F) 5 members shall be selected by the Director from among dam safety officials of States; and

''(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

''(4) COMPENSATION OF MEMBERS.—

''(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

''(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

''(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

''(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

''SEC. 9. RESEARCH.

''(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

''(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

''(2) devices for the continued monitoring of the safety of dams.

''(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

''SEC. 10. REPORTS.

''(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of the enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

''(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

''(1) describes the status of the Program;

''(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

''(3) describes the progress achieved in dam safety by States participating in the Program; and

''(4) includes any recommendations for legislative and other action that the Director considers necessary.

''SEC. 11. STATUTORY CONSTRUCTION.

''Nothing in this Act and no action or failure to act under this Act shall—

''(1) create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act;

''(2) relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam; or

''(3) preempt any other Federal or State law.

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''(a) NATIONAL DAM SAFETY PROGRAM.—

''(1) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), $1,000,000 for fiscal year 1998, $2,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, $4,000,000 for fiscal year 2001, and $4,000,000 for fiscal year 2002.

''(2) ALLOCATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 8 shall be allocated among the States as follows:

''(i) One-third among States that qualify for assistance under section 8(f).

''(ii) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

''(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

''(II) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

''(B) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

''(C) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

''(b) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

''(c) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1998 through 2002.

''(d) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1998 through 2002.

''(e) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1998 through 2002.

''(f) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.''.

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2); 108 Stat. 1560) is amended by striking ''the first section of Public Law 92–367 (33 U.S.C. 467)'' and inserting ''section 2 of the National Dam Safety Program Act''.

SEC. 216. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may take, to the extent funds are made available in appropriations Acts, such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts;

(4) will not involve major structural or operational changes in the project; and

(5) will not adversely affect the use, management, or protection of existing Federal, State, or tribal water rights.

''(b) CONSULTATION.—Before proceeding with the proposed uprating under subsection (a), the Secretary shall provide affected State, tribal, and Federal agencies with a copy of the proposed determinations under subsection (a). If the agencies submit comments, the Secretary shall accept those comments or respond in writing to any objections those agencies raise to the proposed determinations.

(c) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1; 106 Stat. 3099).

SEC. 217. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) ADDITIONAL CAPACITY.—

(1) PROVIDED BY SECRETARY.—At the request of a non-Federal interest with respect to a project, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond the capacity that would be required for project purposes if the non-Federal interest agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) COST RECOVERY AUTHORITY.—The non-Federal interest may recover the costs assigned

to the additional capacity through fees assessed on third parties whose dredged material is deposited at the facility and who enter into agreements with the non-Federal interest for the use of the facility. The amount of such fees may be determined by the non-Federal interest.

(b) NON-FEDERAL USE OF DISPOSAL FACILITIES.—

(1) IN GENERAL.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) USE OF FEES.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act (33 U.S.C. 1341(c)) but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which the fees were collected.

(c) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation of dredged material disposal facilities in connection with construction or maintenance of Federal navigation projects. If a non-Federal interest is a sponsor of the project, the Secretary shall consult with the non-Federal interest in carrying out the program with respect to the project.

(2) PRIVATE FINANCING.—

(A) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into an agreement with a non-Federal interest with respect to a project, a private entity, or both for the acquisition, design, construction, management, or operation of a dredged material disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) REIMBURSEMENT.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) AMOUNT OF FEES.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the non-Federal interest with respect to the project and the private entity.

(D) FEDERAL SHARE.—The Federal share of such fees shall be equal to the percentage of the total cost that would otherwise be borne by the Federal Government as required pursuant to existing cost-sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) BUDGET ACT COMPLIANCE.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2))) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 218. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking ''thirteen, fourteen, and fifteen'' each place it appears and inserting ''13, 14, 15, 19, and 20''; and

(2) by striking ''not exceeding twenty-five hundred dollars nor less than five hundred dollars'' and inserting ''of up to $25,000 per day''.

(b) GENERAL AUTHORITY.—Section 20 of such Act (33 U.S.C. 415) is amended—

(1) in subsection (a) by striking ''expense'' the 1st place it appears and inserting ''actual expense, including administrative expenses,'';

(2) in subsection (b) by striking ''cost'' and inserting ''actual cost, including administrative costs,'';

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following:

''(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal on an expedited basis, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).''.

SEC. 219. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (33 U.S.C. 701r), is amended—

(1) by striking ''$12,500,000'' and inserting ''$15,000,000''; and

(2) by striking ''$500,000'' and inserting ''$1,000,000''.

SEC. 220. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended by striking the period at the end of the 1st sentence and inserting the following: ''; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.''.

SEC. 221. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by inserting '', watersheds, or ecosystems'' after ''basins'';

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking ''$6,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''$300,000'' and inserting ''$500,000''.

SEC. 222. CORPS OF ENGINEERS EXPENSES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 183) is amended—

(1) by striking ''continental limits of the''; and

(2) by striking the 2d colon and all that follows through ''for this purpose''.

SEC. 223. STATE AND FEDERAL AGENCY REVIEW PERIOD.

Paragraph (a) of the 1st section of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved December 22, 1944 (33 U.S.C. 701–1(a); 58 Stat. 888), is amended—

(1) by striking ''Within ninety'' and inserting ''Within 30''; and

(2) by striking ''ninety-day period.'' and inserting ''30-day period.''.

SEC. 224. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$5,000,000''; and

(2) by striking the final period.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the Authority an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of the enactment of this Act.

SEC. 225. MELALEUCA.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting ''melaleuca,'' after ''milfoil,''.

SEC. 226. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) PROJECT PURPOSE.—Section 405(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended by adding at the end the following:

''(3) PROJECT PURPOSE.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The 1st sentence of section 405(c) of such Act is amended to read as follows: ''There is authorized to be appropriated to carry out this section $10,000,000.''.

(c) REPORTS.—Section 405 of such Act is amended by adding at the end the following:

''(d) REPORTS.—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the purpose of the project set forth in subsection (a)(3).''.

SEC. 227. SHORE PROTECTION.

(a) DECLARATION OF POLICY.—Subsection (a) of the 1st section of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e), is amended—

(1) by striking ''damage to the shores'' and inserting ''damage to the shores and beaches''; and

(2) by striking ''the following provisions'' and all that follows through the period at the end of such subsection and inserting the following: ''this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.''.

(b) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking ''(e) No'' and inserting the following:

''(e) AUTHORIZATION OF PROJECTS.—

''(1) IN GENERAL.—No'';

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right; and

(3) by adding at the end the following:

''(2) STUDIES.—

''(A) IN GENERAL.—The Secretary shall—

''(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

''(ii) conduct such studies as Congress requires under applicable laws; and

''(iii) report the results of the studies to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

''(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

''(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of the shore protection project.

''(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

''(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

''(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

''(3) SHORE PROTECTION PROJECTS.—

''(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

''(B) AGREEMENTS.—

''(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

''(ii) TERMS.—The agreement shall—

''(I) specify the life of the project; and

''(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

''(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).''.

(c) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—

(1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426f), is amended—

(A) by striking ''SEC. 2. The Secretary of the Army'' and inserting the following:

''SEC. 2. REIMBURSEMENTS.

''(a) IN GENERAL.—The Secretary'';

(B) in subsection (a) (as designated by subparagraph (A) of this paragraph)—

(i) by striking ''local interests'' and inserting ''non-Federal interests'';

(ii) by inserting ''or separable element of the project'' after ''project''; and

(iii) by inserting ''or separable elements'' after ''projects'' each place it appears; and

(C) by adding at the end the following:

''(b) AGREEMENTS.—

''(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

''(2) TERMS.—The agreement shall—

''(A) specify the life of the project; and

''(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.''.

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: ''and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)''.

(d) STATE AND REGIONAL PLANS.—The Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946, is amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

''SEC. 4. STATE AND REGIONAL PLANS.

''The Secretary may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.''.

(e) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM AND DEFINITIONS.—

(1) IN GENERAL.—The Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.), is amended by striking section 5 (as redesignated by subsection (d)(1) of this section) and inserting the following:

''SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 6 years beginning on the date that funds are made available to carry out this section.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The erosion control program shall include provisions for—

''(A) projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 3 years of the erosion control program;

''(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

''(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

''(D) technology transfers to private property owners and State and local entities.

''(2) EMPHASIS.—The projects carried out under the erosion control program shall emphasize, to the extent practicable—

''(A) the development and demonstration of innovative technologies;

''(B) efficient designs to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

''(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

''(D) the avoidance of negative impacts to adjacent shorefront communities;

''(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

''(F) the potential for long-term protection afforded by the technology; and

''(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962d–5 note; 88 Stat. 26), including—

''(i) adequate consideration of the subgrade;

''(ii) proper filtration;

''(iii) durable components;

''(iv) adequate connection between units; and

''(v) consideration of additional relevant information.

''(3) SITES.—

''(A) IN GENERAL.—Each project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

''(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the projects, including—

''(i) a variety of geographical and climatic conditions;

''(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

''(iii) the rate of erosion;

''(iv) significant natural resources or habitats and environmentally sensitive areas; and

''(v) significant threatened historic structures or landmarks.

''(C) AREAS.—Projects under the erosion control program shall be carried out at not fewer than—

''(i) 2 sites on each of the shorelines of the Atlantic and Pacific coasts;

''(ii) 2 sites on the shoreline of the Great Lakes; and

''(iii) 1 site on the shoreline of the Gulf of Mexico.

''(4) DETERMINATION OF FEASIBILITY.—Implementation of a project under this section is contingent upon a determination by the Secretary that such project is feasible.

''(c) CONSULTATION.—

''(1) PARTIES.—The Secretary shall carry out the erosion control program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established under the 1st section of the Act entitled 'An Act to make certain changes in the functions of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors, and for other purposes', approved November 7, 1963 (33 U.S.C. 426–1); and

''(E) university research facilities.

''(2) AGREEMENTS.—The consultation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (b)(1) when appropriate.

''(d) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

''(e) FUNDING.—

''(1) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project

under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $21,000,000 to carry out this section.

''SEC. 6. DEFINITIONS.

''In this Act, the following definitions apply:

''(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army.

''(3) SEPARABLE ELEMENT.—The term 'separable element' has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

''(4) SHORE.—The term 'shore' includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

''(5) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.''.

(2) CONFORMING AMENDMENTS.—The Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the 1st section (33 U.S.C. 426e(b)(3))—

(i) by striking ''of the Army, acting through the Chief of Engineers,''; and

(ii) by striking the final period;

(B) in subsection (e) of the 1st section by striking ''section 3'' and inserting ''section 3 or 5''; and

(C) in section 3 (33 U.S.C. 426g) by striking ''Secretary of the Army'' and inserting ''Secretary''.

(f) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2; 84 Stat. 1829) is amended by inserting ''(including shore protection projects such as projects for beach nourishment, including the replacement of sand)'' after ''water resource projects''.

SEC. 228. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2); 100 Stat. 4201) is amended—

(1) in the 1st sentence by striking ''10'' and inserting ''7'';

(2) in the 2d sentence by striking ''Before'' and inserting ''Upon''; and

(3) in the last sentence by inserting ''the planning, design, or'' before ''construction''.

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated) by striking ''or subsection (a) of this section''.

SEC. 229. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—With respect to contracts for research and development, the Secretary may include requirements that have potential commercial application and may use such potential application as an evaluation factor where appropriate.

SEC. 230. BENEFITS TO NAVIGATION.

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and include for purposes of project justification, economic benefits generated by cruise ships as commercial navigation benefits.

SEC. 231. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281; 100 Stat. 4185) is amended by inserting ''and information regarding potential loss of human life that may be associated with flooding and coastal storm events,'' after ''unquantifiable,''.

SEC. 232. SCENIC AND AESTHETIC CONSIDERATIONS.

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

SEC. 233. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b) PUBLIC PARTICIPATION.—''; and

(B) by striking ''subsection'' each place it appears and inserting ''section''.

SEC. 234. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States.

(b) CONSULTATION.—The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State.

(c) USE OF CORPS' EXPERTISE.—The Secretary may use the technical and managerial expertise of the Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(d) FUNDING.—There is authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 235. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 236. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b); 106 Stat. 4826) is amended by striking ''(8662)'' and inserting ''(8862)''.

(b) CHALLENGE COST-SHARING PROGRAM.—The 2d sentence of section 225(c) of such Act (33 U.S.C. 2328(c); 106 Stat. 4838) is amended by striking ''(8662)'' and inserting ''(8862)''.

SEC. 237. HOPPER DREDGES.

Section 3 of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following:

''(c) PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.—

''(1) INITIATION.—The Secretary shall initiate a program to increase the use of private-industry hopper dredges for the construction and maintenance of Federal navigation channels.

''(2) READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.—In order to carry out this subsection, the Secretary shall place the Federal hopper dredge Wheeler in a ready reserve status not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 563 of the Water Resources Development Act of 1996 or October 1, 1997.

''(3) TESTING AND USE OF READY RESERVE HOPPER DREDGE.—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under paragraph (2) to ensure the vessel's ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only if the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

''(4) REPAIR AND REHABILITATION.—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed in active status as provided in paragraph (3).

''(5) PROCEDURES.—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

''(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

''(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

''(6) REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status under paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

''(7) LIMITATIONS.—

''(A) REDUCTIONS IN STATUS.—The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years that the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

''(B) INCREASE IN ASSIGNMENTS OF DREDGING WORK.—For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in active status than was assigned to that vessel in the average of the 3 prior fiscal years.

''(C) REMAINING DREDGES.—In carrying out the program under this section, the Secretary shall not reduce the availability and utilization of Federal hopper dredge vessels stationed on the Pacific and Atlantic coasts below that which occurred in fiscal year 1996 to meet the navigation dredging needs of the ports on those coasts.

''(8) CONTRACTS; PAYMENT OF CAPITAL COSTS.—The Secretary may enter into a contract for the maintenance and crewing of any Federal hopper dredge retained in a ready reserve status. The capital costs (including depreciation costs) of any dredge retained in such status

shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the dredge is specifically used in connection with that project.''.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—The project for flood control, San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated May 28, 1996, at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(2) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4092), are modified to direct the Secretary—

(A) to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project; and

(B) to carry out the combined project substantially in accordance with the plans and subject to the conditions recommended in the report of the Corps of Engineers dated July 15, 1994, at a total cost of $90,850,000, with an estimated Federal cost of $59,150,000 and an estimated non-Federal cost of $31,700,000.

The non-Federal share of project costs and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project.

(3) SAN LUIS REY, CALIFORNIA.—The project for flood control of the San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5; 79 Stat. 1073–1074), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated May 23, 1996, at a total cost of $81,600,000, with an estimated Federal cost of $61,100,000 and an estimated non-Federal cost of $20,500,000.

(4) POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.—The project for flood control, Potomac River, Washington, District of Columbia, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 22, 1936 (49 Stat. 1574), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated May 1992 at a Federal cost of $1,800,000; except that a temporary closure may be used instead of a permanent structure at 17th Street. Operation and maintenance of the project shall be a Federal responsibility.

(5) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control, North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary—

(A) to carry out the project substantially in accordance with the report of the Corps of Engineers dated May 26, 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000; and

(B) to reimburse the city of Deerfield, Illinois, an amount not to exceed $38,500 for a flood control study financed by the city if the Secretary determines that the study is necessary to address residual damages in areas upstream of Reservoir 29A.

(6) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated March 19, 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(7) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118–4119), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated July 18, 1994, including implementation of nonstructural measures, at a total cost of $45,414,000, with an estimated Federal cost of $33,030,000 and an estimated non-Federal cost of $12,384,000.

(8) MOLLY ANN'S BROOK, NEW JERSEY.—The project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated April 3, 1996, at a total cost of $40,100,000, with an estimated Federal cost of $22,600,000 and an estimated non-Federal cost of $17,500,000.

(9) RAMAPO RIVER AT OAKLAND, NEW JERSEY.—The project for flood control, Ramapo River at Oakland, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of $11,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $2,800,000.

(10) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of $52,041,000, with an estimated Federal cost of $25,729,000 and an estimated non-Federal cost of $26,312,000.

(11) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(12) SAN JUAN HARBOR, PUERTO RICO.—The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as described in the General Reevaluation Report and Environmental Assessment dated March 1994, at a total cost of $45,085,000, with an estimated Federal cost of $28,244,000 and an estimated non-Federal cost of $16,841,000.

(13) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for navigation, India Point Railroad Bridge, Seekonk River, Providence, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (100 Stat. 4258), is modified to authorize the Secretary to construct the project substantially in accordance with the Post Authorization Change Report dated August 1994 at a total cost of $1,300,000, with an estimated Federal cost of $650,000 and an estimated non-Federal cost of $650,000.

(14) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the General Design Memorandum for the project dated March 1994, and the Post Authorization Change Report for the project dated April 1994, at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a report by the Corps of Engineers finding that such work is technically sound, environmentally acceptable, and economic, as applicable:

(1) ALAMO DAM, ARIZONA.—The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 900), is modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

(2) PHOENIX, ARIZONA.—The project for flood control and water quality improvement, Phoenix, Arizona, authorized by section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848), is modified—

(A) to make ecosystem restoration a project purpose; and

(B) to authorize the Secretary to construct the project at a total cost of $17,500,000.

(3) GLENN-COLUSA, CALIFORNIA.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled ''An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes'', approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), is further modified to authorize the Secretary to carry out the portion of the project at Glenn-Colusa, California, at a total cost of $14,200,000.

(4) TYBEE ISLAND, GEORGIA.—The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1968 (42 U.S.C. 1962d–5; 79 Stat. 1073–1074), is modified to include as an integral part of the project the portion of Tybee Island located south of the existing south terminal groin between 18th and 19th Streets, including the east bank of Tybee Creek up to Horse Pen Creek.

(5) COMITE RIVER, LOUISIANA.—The Comite River Diversion project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802–4803), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(6) GRAND ISLE AND VICINITY, LOUISIANA.—The project for hurricane damage prevention, flood control, and beach erosion along Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of $17,000,000.

(7) RED RIVER WATERWAY, LOUISIANA.—The project for mitigation of fish and wildlife losses,

Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), is further modified—

(A) to authorize the Secretary to carry out the project at a total cost of $10,500,000; and

(B) to provide that lands that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

(8) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of the enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(9) STILLWATER, MINNESOTA.—The project for flood control, Stillwater, Minnesota, authorized by section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861–4862), is modified—

(A) to authorize the Secretary to expand the flood wall system if the Secretary determines that the expansion is feasible; and

(B) to authorize the Secretary to construct the project at a total cost of $11,600,000, with an estimated Federal cost of $8,700,000 and an estimated non-Federal cost of $2,900,000.

(10) JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.—The streambank restoration element of the project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) and known as the ''Joseph G. Minish Passaic River Waterfront Park and Historic Area, New Jersey'', is modified—

(A) to authorize the Secretary to construct such element at a total cost of $75,000,000;

(B) to provide that construction of such element may be undertaken before implementation of the remainder of the Passaic River Main Stem project; and

(C) to provide that such element shall be treated, for the purpose of economic analysis, as an integral part of the Passaic River Main Stem project and shall be completed in the initial phase of the Passaic River Main Stem project.

(11) ARTHUR KILL, NEW YORK AND NEW JERSEY.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to carry out the project to a depth of not to exceed 45 feet, at a total cost of $83,000,000.

(12) KILL VAN KULL, NEW YORK AND NEW JERSEY.—

(A) COST INCREASE.—The project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project at a total cost of $750,000,000.

(B) CONTINUATION OF ENGINEERING AND DESIGN.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313) and section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095).

SEC. 302. MOBILE HARBOR, ALABAMA.

The undesignated paragraph under the heading ''MOBILE HARBOR, ALABAMA'' in section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4090) is amended by striking the 1st semicolon and all that follows and inserting a period and the following: ''In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.''.

SEC. 303. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with subsections (k) and (m) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and to direct the Secretary to enter into negotiations with non-Federal interests pursuant to section 103(l) of such Act concerning the timing of the initial payment of the non-Federal contribution.

SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin, Arkansas and Missouri, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the additional purposes do not adversely affect flood control, power generation, or other authorized purposes of the project.

SEC. 305. CHANNEL ISLANDS HARBOR, CALIFORNIA.

The project for navigation and shore protection, Channel Islands Harbor, Port of Hueneme, California, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1252), is modified to authorize biennial dredging and sand bypassing at an annual downcoast replenishment rate to establish and maintain a littoral sediment balance which is estimated at 1,254,000 cubic yards per year. The cost of such dredging and sand bypassing shall be 100 percent Federal as long as Federal ownership of the entrance channel and jetties of the Port of Hueneme necessitates restoration and maintenance of the downcoast shoreline.

SEC. 306. LAKE ELSINORE, CALIFORNIA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Lake Elsinore, Riverside County, California, shall be $7,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a).

(c) COST SHARING.—Nothing in this section shall be construed to affect any cost-sharing requirement applicable to the project referred to in subsection (a) under the Water Resources Development Act of 1986.

(d) STUDY.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the project for flood control, Lake Elsinore, Riverside County, California, to permit water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

SEC. 307. LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.

The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of such Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation. The cost of such relocation shall be credited as a payment provided by the non-Federal interest.

SEC. 308. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

The non-Federal share for a project to add water conservation to the existing Los Angeles County Drainage Area, California, project, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611), shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 309. PRADO DAM, CALIFORNIA.

(a) REVIEW.—

(1) SEPARABLE ELEMENT DETERMINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall review, in cooperation with the non-Federal interest, the Prado Dam feature of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), with a view toward determining whether the feature may be considered a separable element (as defined in section 103(f) of such Act (33 U.S.C. 2213(f))).

(2) MODIFICATION OF COST-SHARING REQUIREMENT.—If the Prado Dam feature is determined to be a separable element under this subsection, the Secretary shall reduce the non-Federal cost-sharing requirement for such feature in accordance with section 103(a)(3) of such Act and shall enter into a project cooperation agreement with the non-Federal interest to reflect the modified cost-sharing requirement and to carry out construction.

(b) SAFETY IMPROVEMENTS.—The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project referred to in subsection (a)(1).

SEC. 310. QUEENSWAY BAY, CALIFORNIA.

Section 4(e) of the Water Resources Development Act of 1988 (102 Stat. 4016) is amended by adding at the end the following: ''In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of $5,000,000. The Secretary shall coordinate with Federal and State agencies the establishment of suitable dredged material disposal areas.''.

SEC. 311. SEVEN OAKS DAM, CALIFORNIA.

The non-Federal share for a project to add water conservation to the Seven Oaks Dam, authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 312. THAMES RIVER, CONNECTICUT.

(a) MODIFICATION.—The project for navigation, Thames River, Connecticut, authorized by the 1st section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure

the turning basin in accordance with the following alignment: Beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(b) PAYMENT FOR INITIAL DREDGING.—Any required initial dredging of the widened portions identified in subsection (a) shall be carried out at no cost to the Federal Government.

(c) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in subsection (a) are not authorized after the date of the enactment of this Act.

SEC. 313. CANAVERAL HARBOR, FLORIDA.

The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features. The Secretary shall reimburse any costs that are incurred by the non-Federal sponsor in connection with the reclassified work and that the Secretary determines to be in excess of the non-Federal share of costs for general navigation features. The Federal and non-Federal shares of the cost of the reclassified work shall be determined in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 314. CAPTIVA ISLAND, FLORIDA.

The project for shoreline protection, Captiva Island, Lee County, Florida, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5; 79 Stat. 1073), is modified to direct the Secretary to reimburse the non-Federal interest for beach nourishment work carried out by such interest as if such work occurred after execution of the agreement entered into pursuant to section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a) with respect to such project if the Secretary determines that such work is compatible with the project.

SEC. 315. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled ''Everglades Protection Project, Palm Beach County, Florida, Conceptual Design'', with such modifications as are approved by the Secretary. The additional work authorized by this section shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

SEC. 316. CENTRAL AND SOUTHERN FLORIDA, CANAL 111.

(a) IN GENERAL.—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740–741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled ''Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida'', dated May 1994, including acquisition by non-Federal interests of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) SECRETARY OF INTERIOR RESPONSIBILITY.—The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Secretary of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent; except that the Federal Government shall reimburse the non-Federal interest with respect to the project 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

SEC. 317. JACKSONVILLE HARBOR (MILL COVE), FLORIDA.

The project for navigation, Jacksonville Harbor (Mill Cove), Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139–4140), is modified to direct the Secretary to carry out a project for mitigation consisting of measures for flow and circulation improvement within Mill Cove, at an estimated total Federal cost of $2,000,000.

SEC. 318. PANAMA CITY BEACHES, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Panama City Beaches, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133), is modified to direct the Secretary to enter into an agreement with the non-Federal interest for carrying out such project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1).

(b) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the progress made in carrying out this section and a report on implementation of section 206 of the Water Resources Development Act of 1992.

SEC. 319. CHICAGO, ILLINOIS.

The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project to not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the vicinity of McCook, Illinois, and to provide that the reservoir project may be constructed only on the basis of a specific plan that has been evaluated by the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 320. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.

The project for navigation, Chicago Harbor, Lake Michigan, Illinois, for which operation and maintenance responsibility was transferred to the Secretary under chapter IV of title I of the Supplemental Appropriations Act, 1983 (97 Stat. 311), and section 107 of the Energy and Water Development Appropriation Act, 1982 (95 Stat. 1137), is modified to direct the Secretary to conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage. The Secretary may carry out such repairs and installations as are necessary following completion of the study.

SEC. 321. KASKASKIA RIVER, ILLINOIS.

The project for navigation, Kaskaskia River, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to add fish and wildlife and habitat restoration as project purposes.

SEC. 322. LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI.

Section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended—

(1) by striking '', that requires no separable project lands and'' and inserting ''on project lands and other contiguous nonproject lands, including those lands referred to as the Alton Commons. The recreational development'';

(2) by inserting ''shall be'' before ''at a Federal construction''; and

(3) by striking ''. The recreational development'' and inserting '', and''.

SEC. 323. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 22, 1936 (49 Stat. 1586), is modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of $85,975,000, with an estimated Federal cost of $39,975,000 and an estimated non-Federal cost of $46,000,000. The cost of work, including relocations undertaken by the non-Federal interest after February 15, 1994, on features identified in the Master Plan shall be credited toward the non-Federal share of project costs.

SEC. 324. BAPTISTE COLLETTE BAYOU, LOUISIANA.

The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

SEC. 325. LAKE PONTCHARTRAIN, LOUISIANA.

The project for hurricane damage prevention and flood control, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest, of the non-Federal cost-share of the project.

SEC. 326. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177) is amended by adding at the end the following:

''(c) COMMUNITY IMPACT MITIGATION PLAN.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).''.

SEC. 327. TOLCHESTER CHANNEL, MARYLAND.

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

SEC. 328. CROSS VILLAGE HARBOR, MICHIGAN.

(a) GENERAL RULE.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405), shall remain authorized to be carried out by the Secretary.

(b) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 329. SAGINAW RIVER, MICHIGAN.

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311), is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of $500,000.

SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

(a) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as follows:

(1) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be paid as follows:

(A) That portion of the non-Federal share that the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(B) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(2) PAYMENT TERM OF ADDITIONAL PERCENTAGE.—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(b) GREAT LAKES STATES DEFINED.—In this section, the term ''Great Lakes States'' means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 331. ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI.

Notwithstanding any other provision of law, Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

SEC. 332. LOST CREEK, COLUMBUS, NEBRASKA.

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be allotted for the project for flood control, Lost Creek, Columbus, Nebraska, shall be $5,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in such project pursuant to subsection (a).

SEC. 333. PASSAIC RIVER, NEW JERSEY.

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

''SEC. 1148. PASSAIC RIVER BASIN.

''(a) ACQUISITION OF LANDS.—The Secretary may acquire from willing sellers lands on which residential structures are located and that are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of $194,000,000.

''(b) RETENTION OF LANDS FOR FLOOD PROTECTION.—Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

''(c) COST SHARING.—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of subsection (d).

''(d) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.''.

SEC. 334. ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.

The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended by inserting before the period at the end the following: ''; except that the Federal share of reconnaissance studies carried out by the Secretary under this section shall be 100 percent''.

SEC. 335. JONES INLET, NEW YORK.

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downdrift from the federally maintained channel to the extent that such work is necessary to mitigate the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

SEC. 336. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary may acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) SCOPE.—Any easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—The Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000.

SEC. 337. RENO BEACH-HOWARDS FARM, OHIO.

The project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1178), is modified to provide that the value of lands, easements, rights-of-way, and disposal areas that are necessary to carry out the project and are provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

SEC. 338. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

SEC. 339. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 340. BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(1) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the ''community center lot''), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(2) The ''school lot'' described as Lot 2, block 5, on the plat of relocated North Bonneville.

(3) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(4) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of

the Hamilton Island landfill, if the Secretary determines, at the time of the proposed conveyance, that the Department of the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Department of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(6) Such easements as the Secretary considers necessary for—

(A) sewer and water line crossings of relocated Washington State Highway 14; and

(B) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) TIME PERIOD FOR CONVEYANCES.—The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) PURPOSE.—The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(d) ACKNOWLEDGEMENT OF PAYMENT; RELEASE OF CLAIMS RELATING TO RELOCATION OF CITY.—As a prerequisite to the conveyances authorized by subsection (a), the city of North Bonneville shall execute an acknowledgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States arising out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(e) RELEASE BY ATTORNEY GENERAL.—Upon receipt of the city's acknowledgment and release referred to in subsection (d), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, affirmed in part and reversed in part, 833 F.2d 1024 (Fed. Cir. 1987), cert. denied, 485 U.S. 1007 (1988), including any interest thereon.

(f) ACKNOWLEDGMENT OF ENTITLEMENTS; RELEASE BY CITY OF CLAIMS.—Within 60 days after the conveyances authorized by subsection (a) (other than paragraph (6)(B)) have been completed, the city shall execute an acknowledgement that all entitlements under such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this section.

(g) EFFECTS ON CITY.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(1) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the Corps of Engineers in connection with the Bonneville project; and

(2) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

SEC. 341. COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.

The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington, and Portland, Oregon, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes'', approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the existing deep draft channel between the mouth of the river and river mile 34 at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

SEC. 342. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

(a) IN GENERAL.—The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to direct the Secretary to carry out the project for flood control for the Plot and Green Ridge sections of the project.

(b) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

SEC. 343. MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.

Section 209(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

SEC. 344. SCHUYLKILL RIVER, PENNSYLVANIA.

The navigation project for the Schuylkill River, Pennsylvania, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 8, 1917 (40 Stat. 252), is modified to provide for the periodic removal and disposal of sediment to provide for a depth of 6 feet within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to as the Schuylkill River Racecourse and return lane, and the Belmont Water Works intakes and Boathouse Row.

SEC. 345. SOUTH CENTRAL PENNSYLVANIA.

(a) COST SHARING.—Section 313(d)(3)(A) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended to read as follows:

''(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be provided in the form of grants or reimbursements of project costs. The non-Federal interests shall receive credit—

''(i) for design and construction services and other in-kind work, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary; and

''(ii) for grants and the value of work performed on behalf of such interests by State and local agencies, as determined by the Secretary.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 313(g)(1) of such Act (106 Stat. 4846) is amended by striking ''$50,000,000'' and inserting ''$80,000,000''.

(c) SECTION HEADING.—The heading to section 313 of such Act is amended to read as follows:

''SEC. 313. SOUTH CENTRAL PENNSYLVANIA ENVIRONMENT IMPROVEMENT PROGRAM.''.

SEC. 346. WYOMING VALLEY, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary would otherwise be authorized to carry out, but for the General Design Memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, providing that such measures are to be carried out for credit by the non-Federal interest.

SEC. 347. ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.

The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

SEC. 348. NARRAGANSETT, RHODE ISLAND.

Section 361(a) of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

(1) by striking ''$200,000'' and inserting ''$1,900,000'';

(2) by striking ''$150,000'' and inserting ''$1,425,000''; and

(3) by striking ''$50,000'' and inserting ''$475,000''.

SEC. 349. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used by the Department of the Army as a dredged material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Operation and maintenance, including rehabilitation, of the dredged material disposal area transferred under this section shall be carried out in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 350. BUFFALO BAYOU, TEXAS.

The non-Federal interest for the projects for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258) and by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610), may be reimbursed by up to $5,000,000 or may receive a credit of up to $5,000,000 toward required non-Federal project cost-sharing contributions for work performed by the non-Federal interest at each of the following locations if such work is compatible with 1 or more of the following authorized projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

SEC. 351. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that flood protection works constructed by the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs.

(b) DETERMINATION OF AMOUNT.—The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit credit only for that portion of the work performed by the non-Federal interests that is compatible with the project referred to in subsection (a), including any modification thereof, and that is required for construction of such project.

(c) CASH CONTRIBUTION.—Nothing in this section shall be construed to limit the applicability

of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) to the project referred to in subsection (a).

SEC. 352. GRUNDY, VIRGINIA.

The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

SEC. 353. HAYSI LAKE, VIRGINIA.

The Haysi Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized pursuant to section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

(1) to add recreation and fish and wildlife enhancement as project purposes;

(2) to direct the Secretary to construct the Haysi Dam feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995;

(3) to direct the Secretary to apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m); 100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features constructed pursuant to such section 202(a); and

(4) to provide for operation and maintenance of recreational facilities on a reimbursable basis.

SEC. 354. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 355. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by $3,120,803 or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (106 Stat. 4810).

SEC. 356. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West Waterways, Seattle Harbor, Washington, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1285), is modified to direct the Secretary—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance. In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

SEC. 357. BLUESTONE LAKE, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting after ''project,'' the 1st place it appears ''except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project,''.

SEC. 358. MOOREFIELD, WEST VIRGINIA.

(a) REVIEW.—The Secretary, as part of the implementation of the project for flood control, Moorefield, West Virginia, shall conduct a review of the activities of the Corps of Engineers to determine whether the failure of the Corps of Engineers to complete land acquisition for the project by May 1, 1996, contributed to any flood damages at the town of Moorefield during 1996.

(b) REDUCTION OF NON-FEDERAL SHARE.—To the extent the Secretary determines under subsection (a) that the activities of the Corps of Engineers contributed to any flood damages, the Secretary shall reduce the non-Federal share of the flood control project by up to $700,000. Such costs shall become a Federal responsibility for carrying out the flood control project.

SEC. 359. SOUTHERN WEST VIRGINIA.

(a) COST SHARING.—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

''(3) COST SHARING.—

''(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

''(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

''(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

''(D) CREDIT FOR LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

''(E) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.''.

(b) FUNDING.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking ''$5,000,000'' and inserting ''$20,000,000''.

SEC. 360. WEST VIRGINIA TRAILHEAD FACILITIES.

Section 306 of the Water Resources Development Act of 1992 (106 Stat. 4840–4841) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) INTERAGENCY AGREEMENT.—The Secretary shall enter into an interagency agreement with the Federal entity that provided assistance in the preparation of the study for the purposes of providing ongoing technical assistance and oversight for the trail facilities envisioned by the plan developed under this section. The Federal entity shall provide such assistance and oversight.''.

SEC. 361. KICKAPOO RIVER, WISCONSIN.

(a) IN GENERAL.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this subsection, on the date of the transfer under paragraph (1), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in paragraph (3). Such lands shall be described in accordance with paragraph (4)(C) and may not exceed a total of 1,200 acres.

(3) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraphs (1) and (2) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(4) TERMS AND CONDITIONS.—

(A) HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(B) IN GENERAL.—The Secretary shall make the transfers under paragraphs (1) and (2) only if on or before October 31, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization (as defined by section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))) of the Ho-Chunk Nation.

(C) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:

(i) A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

(ii) An agreement specifying that the lands transferred under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(iii) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

(iv) A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions to the plan in order to address changed circumstances on the lands transferred under paragraph (2). Such provision may include a plan for the transfer by the State to the United States of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(v) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation if public disclosure would jeopardize the cultural or religious integrity of the site.

(5) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under paragraph (4), or under any revision of such memorandum of understanding, shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(6) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in subsection (a) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(7) DEAUTHORIZATION.—Except as provided in subsection (c), the LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(8) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in subsection (a) until the date of the transfer under this subsection.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(B) Site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(2) ADDITIONAL REQUIREMENTS.—All activities undertaken pursuant to this subsection shall comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and any subsequent Federal law enacted relating to cultural artifacts, human remains, or historic preservation.

(3) PARTICIPATION BY STATE OF WISCONSIN AND THE HO-CHUNK NATION.—In undertaking completion of the features under paragraph (1), the Secretary shall consult with the State of Wisconsin and the Ho-Chunk Nation on the location of each feature.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $17,000,000.

SEC. 362. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended—

(1) by striking ''; Provided, That'' and inserting ''; except that'';

(2) by striking ''in cash or materials'' and inserting '', through providing in-kind services or cash or materials,''; and

(3) by adding at the end the following: ''In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.''.

SEC. 363. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary; except that the scope of the project includes ground water protection and conservation, agricultural water supply, and waterfowl management if the Secretary determines that the change in the scope of the project is technically sound, environmentally acceptable, and economic, as applicable.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4044), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 (102 Stat. 4041) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1181) and deauthorized pursuant to section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

SEC. 364. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BRANFORD HARBOR, CONNECTICUT.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described as follows: Beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

(2) BRIDGEPORT HARBOR, CONNECTICUT.—

(A) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam.

(B) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the 1st section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77.

(3) GUILFORD HARBOR, CONNECTICUT.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the following description of the realigned channel: Beginning at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(4) MYSTIC RIVER, CONNECTICUT.—The following portion of the project for improving the Mystic River, Connecticut, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 4, 1913 (37 Stat. 802): Beginning in the 15-foot deep channel at coordinates north 190860.82, east 814416.20, thence running southeast about 52.01 feet to the coordinates north 190809.47, east 814424.49, thence running southwest about 34.02 feet to coordinates north 190780.46, east 814406.70, thence running north about 80.91 feet to the point of beginning.

(5) NORWALK HARBOR, CONNECTICUT.—

(A) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut:

(i) The portion authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(ii) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in subparagraph (B).

(B) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in subparagraph (A)(ii) is described as follows: Beginning at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of the enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(C) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(6) PATCHOGUE RIVER, WESTBROOK, CONNECTICUT.—

(A) IN GENERAL.—The following portion of the project for navigation, Patchogue River, Connecticut, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249): A portion of the 8-foot deep channel that lies northwesterly of a line whose coordinates are N161108.83, E676901.34 and N161246.53, E677103.75. The perimeter of this area starts at a point with coordinates N161108.83, E676901.34, thence running north 7 degrees, 50 minutes, 44.2 seconds west 27.91 feet to a point N161136.48, E676897.53, thence running north 55 degrees, 46 minutes, 23.3 seconds east 190.05 feet to a point N161243.38, E677054.67, thence running north 86 degrees, 19 minutes, 39.9 seconds east 49.18 feet to a point N161246.53, E677103.75, thence running south 55 degrees, 46 minutes, 20.8 seconds west 244.81 feet to the point of origin.

(B) REDESIGNATION.—The portion of the project for navigation, Patchogue River, Connecticut, referred to in subparagraph (A), which is now part of the 8-foot deep anchorage lying northwesterly of a line whose coordinates are N161067.46, E676982.76 and N161173.63, E677138.81, is redesignated as part of the 8-foot deep channel. The perimeter of this area starts at a point with coordinates N161067.46, E676982.76, thence running north 7 degrees, 48 minutes, 40.7 seconds west 5.59 feet to a point N161073.00, E676982.00, thence running north 55 degrees, 46 minutes, 25.1 seconds east 177.79 feet to a point N161173.00, E677129.00, thence running north 86 degrees, 19 minutes, 31.8 seconds east 9.83 feet to a point N161173.63, E677138.81, thence running south 55 degrees, 46 minutes, 12.9 seconds west 188.74 feet to the point of origin.

(7) SOUTHPORT HARBOR, CONNECTICUT.—

(A) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the 1st section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The portion of the project referred to in subparagraph (A) that is remaining after the deauthorization made by subparagraph (A) and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(8) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin: Beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(9) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910 (36 Stat. 657), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909, on the plan entitled, ''East Boothbay Harbor, Maine, examination, 8-foot area'', and dated August 9, 1955, Drawing Number F1251 D–6–2, that point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381.

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point.

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point.

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point.

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point.

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point.

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point.

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(10) KENNEBUNK RIVER, MAINE.—The portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and consisting of a 6-foot deep channel that lies northerly of a line the coordinates of which are N191412.53, E417265.28 and N191445.83, E417332.48.

(11) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480):

(A) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(B) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(12) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The following portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505357.84, E724519.19, thence running northeasterly about 384.19 feet along the northern limit of the existing project to a bend on the northern limit of the existing project N505526.87, E724864.20, thence running southeasterly about 368.00 feet along the northern limit of the existing project to another point N505404.77, E725211.35, thence running westerly about 594.53 feet to a point N505376.12, E724617.51, thence running southwesterly about 100.00 feet to the point of origin.

(13) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 12), and authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577): A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to the point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to the point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to the point of origin.

(14) FALMOUTH, MASSACHUSETTS.—

(A) DEAUTHORIZATIONS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(i) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 29 seconds east 440.34 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north

199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 199286.41 east 844394.91.

(ii) The portion commencing at a point north 199647.41 east 845035.25 a line running north 43 degrees 09 minutes 33.1 seconds east 767.15 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200550.75 east 845394.18.

(B) REDESIGNATION.—The portion of the project for navigation, Falmouth, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

(15) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164): The 35-foot deep channel beginning at a point on the northern limit of the existing project, N506243.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N506083.42, E718587.33, thence running southerly about 40.00 feet to a point, N506043.94, E718580.91, thence running westerly about 1000.00 feet to a point, N506204.29, E717593.85, thence running northerly about 40.00 feet to the point of origin.

(16) RESERVED CHANNEL, BOSTON, MASSACHUSETTS.—The portion of the project for navigation, Reserved Channel, Boston, Massachusetts, authorized by section 101(a)(13) of the Water Resources Development Act of 1990 (104 Stat. 4607), that consists of a 40-foot deep channel beginning at a point along the southern limit of the authorized project, N489391.22, E728246.54, thence running northerly about 54 feet to a point, N489445.53, E728244.97, thence running easterly about 2,926 feet to a point, N489527.38, E731170.41, thence running southeasterly about 81 feet to a point, N489474.87, E731232.55, thence running westerly about 2,987 feet to the point of origin.

(17) WEYMOUTH-FORE AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Weymouth-Fore and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1089):

(A) The 35-foot deep channel beginning at a bend on the southern limit of the existing project, N457394.01, E741109.74, thence running westerly about 405.25 feet to a point, N457334.64, E740708.86, thence running southwesterly about 462.60 feet to another bend in the southern limit of the existing project, N457132.00, E740293.00, thence running northeasterly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15 and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457163.41, E739903.49, thence running northerly about 111.99 feet to a point, N457275.37, E739900.76, thence running westerly about 692.37 feet to a point N457303.40, E739208.96, thence running southwesterly about 190.01 feet to another point on the southern limit of the existing project, N457233.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(18) COCHECO RIVER, NEW HAMPSHIRE.—

(A) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01.

(B) MAINTENANCE DREDGING.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in subparagraph (A) to restore authorized channel dimensions.

(19) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the 1st section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended.

(20) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel of the project for navigation, Ogdensburg Harbor, New York, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910 (36 Stat. 635), and modified by the 1st section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1037), that is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(21) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910 (36 Stat. 653).

(22) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation channel, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 1, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio, and that is more definitely described as follows:

Commencing at a drill hole found on the centerline of Lakeside Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, that point being known as United States Corps of Engineers Monument No. 203 (N658012.20, E208953.88).

Thence, in a line north 75 degrees 26 minutes 12 seconds west, a distance of 387.87 feet to a point (N658109.73, E2089163.47). This point is hereinafter in this paragraph referred to as the ''principal point of beginning''.

Thence, north 58 degrees 14 minutes 11 seconds west, a distance of 50.00 feet to a point (N658136.05, E2089120.96).

Thence, south 67 degrees 49 minutes 32 seconds west, a distance of 665.16 feet to a point (N657885.00, E2088505.00).

Thence, north 88 degrees 13 minutes 52 seconds west, a distance of 551.38 feet to a point (N657902.02, E2087953.88).

Thence, north 29 degrees 17 minutes 42 seconds east, a distance of 114.18 feet to a point (N658001.60, E2088009.75).

Thence, south 88 degrees 11 minutes 40 seconds east, a distance of 477.00 feet to a point (N657986.57, E2088486.51).

Thence, north 68 degrees 11 minutes 06 seconds east, a distance of 601.95 feet to a point (N658210.26, E2089045.35).

Thence, north 35 degrees 11 minutes 34 seconds east, a distance of 89.58 feet to a point (N658283.47, E2089096.98).

Thence, south 20 degrees 56 minutes 30 seconds east, a distance of 186.03 feet to the principal point of beginning (N658109.73, E2089163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(23) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), consisting of the 6-foot deep channel: Beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(24) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the 1st section of the Act entitled ''An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June thirtieth, eighteen hundred and seventy-one'', approved July 11, 1870 (16 Stat. 223): Beginning at the northwest corner of the project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 31 minutes 59 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds, a distance of 465.50 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 56 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, the point of beginning.

SEC. 365. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area. The credit shall be subject to such terms and conditions as the Secretary deems necessary and shall not exceed $7,500,000.

SEC. 587. MONONGAHELA RIVER, PENNSYLVANIA.

The Secretary may make available to the Southwestern Pennsylvania Growth Fund (a regional industrial development corporation) at no additional cost to the United States, dredged and excavated materials resulting from construction of the new gated dam at Braddock, Pennsylvania, as part of the Locks and Dams 2, 3, and 4, Monongahela River, Pennsylvania, navigation project, to support environmental restoration of the former United States Steel Duquesne Works brownfield site—

(1) if the Pennsylvania Department of Environmental Protection issues a ''no further action'' decision or a mitigation plan for the site

prior to a determination by the District Engineer, Pittsburgh District, that the dredged and excavated materials are available; and

(2) if the Southwestern Pennsylvania Growth Fund agrees to hold and save the United States free from damages in connection with use of the dredged and excavated materials, except for damages due to the fault or negligence of the United States or its contractors.

TITLE IV—STUDIES

SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

Not later than 18 months after the date of the enactment of this Act, the Secretary shall report to Congress on the advisability and capability of the Corps of Engineers to implement rural sanitation projects for rural and Native villages in Alaska.

SEC. 402. RED RIVER, ARKANSAS.

The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

SEC. 403. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit toward the non-Federal share of the cost of the feasibility study on the McDowell Mountain, Arizona, project an amount equal to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

SEC. 404. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

SEC. 405. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

SEC. 406. MUGU LAGOON, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, floodflows, and upstream watershed land use practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) CONSULTATION AND COORDINATION.—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to ensure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 407. MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.

The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

SEC. 408. PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.

The Secretary shall study the advisability of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

SEC. 409. SANTA YNEZ, CALIFORNIA.

(a) PLANNING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan addressing the long term ecological, economic, and flood control needs of the Santa Ynez River basin, California. In preparing such plan, the Secretary shall consult with the Santa Barbara Flood Control District and other affected local governmental entities.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 410. SOUTHERN CALIFORNIA INFRASTRUCTURE.

(a) ASSISTANCE.—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4623) is amended—

(1) in the heading of paragraph (1) by inserting ''AND ASSISTANCE'' after ''STUDY''; and

(2) by adding at the end the following: ''In addition, the Secretary shall provide technical assistance to non-Federal interests in developing potential infrastructure projects. The non-Federal share of the cost of the technical assistance shall be 25 percent.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 116(d)(3) of such Act is amended by striking ''$1,500,000'' and inserting ''$3,000,000''.

SEC. 411. STOCKTON, CALIFORNIA.

(a) BEAR CREEK DRAINAGE AND MORMON SLOUGH/CALAVERAS RIVER.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, and the Mormon Slough/Calaveras River, California, projects for flood control authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) FARMINGTON DAM, CALIFORNIA.—

(1) CONJUNCTIVE USE STUDY.—The Secretary shall continue participation in the Stockton, California, Metropolitan Area Flood Control Study, including an evaluation of the feasibility of storage of water at Farmington Dam and implementation of a conjunctive use plan.

(2) CONSULTATION.—In conducting the study, the Secretary shall consult with the Stockton East Water District concerning joint operation or potential transfer of Farmington Dam.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress—

(A) concerning the feasibility of a conjunctive use plan using Farmington Dam for water storage; and

(B) containing recommendations on facility transfers and operational alternatives.

(4) WITHOUT PROJECT CONDITION.—In conducting the Stockton, California, Metropolitan Area Flood Control Study, the Secretary shall consider the physical flood control and water supply facilities as they existed in January 1996 as the ''without project'' condition.

SEC. 412. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

SEC. 413. WEST DADE, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to improve water quality in, and increase the supply of surface water to, the Everglades in order to enhance fish and wildlife habitat.

SEC. 414. SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(b) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works mission of the Corps of Engineers.

(c) COORDINATION.—Notwithstanding subsection (b), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study of the Savannah River Basin by the Agency.

SEC. 415. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, consistent with the authorized purposes of that project, to include evacuation of waters collecting on the land side of the Chain of Rocks Canal East Levee.

SEC. 416. QUINCY, ILLINOIS.

(a) STUDY.—The Secretary shall study and evaluate the critical water infrastructure of the Fabius River Drainage District, the South Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;

(2) to develop a definition of critical water infrastructure;

(3) to develop evaluation criteria; and

(4) to enhance existing geographic information system databases to encompass relevant data that identify critical water infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) CONSIDERATION OF OTHER STUDIES.—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the objectives of the study described in paragraphs (1) through (4) of subsection (a).

SEC. 417. SPRINGFIELD, ILLINOIS.

The Secretary shall provide assistance to the city of Springfield, Illinois, in developing—

(1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and

(2) an evaluation of the technical, economic, and environmental impacts of such development.

SEC. 418. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

SEC. 419. GRAND CALUMET RIVER, HAMMOND, INDIANA.

(a) STUDY.—The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 420. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the 1st section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 25, 1910 (36 Stat. 657).

SEC. 421. KOONTZ LAKE, INDIANA.

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

SEC. 422. LITTLE CALUMET RIVER, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of the impacts of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) FEDERAL SHARE.—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

SEC. 423. TIPPECANOE RIVER WATERSHED, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) ASSISTANCE.—The Secretary shall provide technical, planning, and design assistance to the Shafer and Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined appropriate as a result of the study conducted under subsection (a).

SEC. 424. CALCASIEU RIVER, HACKBERRY, LOUISIANA.

The Secretary shall incorporate the portion of the Calcasieu River in the vicinity of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

SEC. 425. MORGANZA, LOUISIANA, TO GULF OF MEXICO.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the environmental, flood control, and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study being conducted under the Morganza, Louisiana, to the Gulf of Mexico feasibility study.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document dated February 1994; and

(B) evaluate the findings of the Louisiana Coastal Wetlands Conservation and Restoration Task Force, established under the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951 et seq), relating to the lock structure.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for immediate implementation of the study.

SEC. 426. HURON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the feasibility of and need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

SEC. 427. CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Clark County, Nevada, for the purpose of flood control.

SEC. 428. LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.

The Secretary shall conduct a study to determine the advisability of wetland restoration and the feasibility of erosion control in the Lower Las Vegas Wash, Nevada.

SEC. 429. NORTHERN NEVADA.

The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River and its tributaries and outlets;

(2) the Truckee River and its tributaries and outlets;

(3) the Carson River and its tributaries and outlets; and

(4) the Walker River and its tributaries and outlets;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

SEC. 430. SACO RIVER, NEW HAMPSHIRE.

The Secretary shall conduct a study of flooding problems along the Saco River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures. In conducting the study, the Secretary shall also consider other alternatives for flood damage reduction.

SEC. 431. BUFFALO RIVER GREENWAY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of a potential greenway trail project along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study may include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

SEC. 432. COEYMANS, NEW YORK.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Corps of Engineers.

SEC. 433. NEW YORK BIGHT AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking ''$1,000,000'' and inserting ''$3,000,000''.

SEC. 434. PORT OF NEWBURGH, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

SEC. 435. PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY.

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

SEC. 436. SHINNECOCK INLET, NEW YORK.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the feasibility of constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in its natural east-to-west pattern and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

SEC. 437. CHAGRIN RIVER, OHIO.

The Secretary shall conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including that resulting from ice jams, and shall evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

SEC. 438. CUYAHOGA RIVER, OHIO.

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 439. COLUMBIA SLOUGH, OREGON.

Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon.

SEC. 440. CHARLESTON, SOUTH CAROLINA.

The Secretary shall conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

SEC. 441. OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.

The Secretary shall investigate potential solutions to the recurring flooding and related problems in the vicinity of Pierre and Ft. Pierre, South Dakota, caused by sedimentation in Lake Sharpe. The potential solutions to be investigated shall include lowering of the lake level and sediment agitation to allow for resuspension and movement of the sediment. The investigation shall include development of a comprehensive solution which includes consideration of structural and nonstructural measures upstream from the lake consisting of land treatment, sediment retention structures, and such other measures as the Secretary determines to be appropriate.

SEC. 442. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.

The Secretary shall conduct a study of navigation along the south-central coast of Texas

near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

SEC. 443. PRINCE WILLIAM COUNTY, VIRGINIA.

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetland protection, erosion control, and flood damage reduction needs of the County.

SEC. 444. PACIFIC REGION.

The Secretary may conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 445. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.

(a) STUDY.—The Secretary shall study the feasibility of alternative financing mechanisms for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) MECHANISMS TO BE STUDIED.—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 446. EVALUATION OF BEACH MATERIAL.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing procedures and requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) CONSULTATION.—In conducting the evaluation under this section, the Secretaries shall consult with appropriate Federal and State agencies.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretaries shall transmit a report to Congress on their findings under this section.

(d) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section is intended to affect the authority of the Secretary of the Interior under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAND CONVEYANCES.

(a) VILLAGE CREEK, ALABAMA.—

(1) IN GENERAL.—Upon a determination by the Secretary that construction of facilities associated with a commercial enterprise is not inconsistent with the operation of the project for flood control, Village Creek, Alabama, authorized by section 410(a) of the Water Resources Development Act of 1986 (100 Stat. 4111), the non-Federal interest with respect to the project may sell to private interests a parcel of land consisting of approximately 18 acres for the purpose of constructing facilities associated with a commercial enterprise.

(2) LAND DESCRIPTION.—The land to be conveyed under paragraph (1) shall consist of approximately 43 individual tracts that are bounded on the west by Coosa Street, on the south by 16th Avenue North, on the east by Tallapoosa Street, and on the north by the northern boundary of lands acquired for the project.

(3) FACILITIES.—The facilities shall be constructed in accordance with local floodplain ordinances and shall not increase flood risks of other residents in the Village Creek floodplain.

(4) REIMBURSEMENT.—The non-Federal interest shall reimburse the Secretary the Federal cost of acquiring the lands to be conveyed, including relocation assistance, demolition of structures, and administrative costs.

(5) REMAINING LANDS.—All remaining lands acquired for the Village Creek flood control project shall remain in public ownership and shall be used solely for recreation purposes or maintained as open space.

(b) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

(1) by inserting after paragraph (2) the following:

''(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal that are located within the boundaries of the city in which such canal rests. Such conveyance shall be at fair market value.'';

(2) by inserting after ''right-of-way'' the following: ''or other rights considered necessary by the Secretary''; and

(3) by adding at the end the following: ''The conveyances and processes involved shall be at no cost to the United States.''.

(c) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, at fair market value all right, title, and interest of the United States in and to a parcel of land (including improvements to the parcel) under the jurisdiction of the Corps of Engineers, known as the ''Ohio River Division Laboratory'', and described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts.

(4) PROPERTY DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel situated in the State of Ohio, County of Hamilton, Township 4, Fractional Range 2, Miami Purchase, Columbia Township, Section 15, being parts of Lots 5 and 6 of the subdivision of the dower tract of the estate of Joseph Ferris as recorded in Plat Book 4, Page 112, of the Plat Records of Hamilton County, Ohio, Recorder's Office, and more particularly described as follows:

Beginning at an iron pin set to mark the intersection of the easterly line of Lot 5 of said subdivision of said dower tract with the northerly line of the right-of-way of the Norfolk and Western Railway Company as shown in Plat Book 27, Page 182, Hamilton County, Ohio, Surveyor's Office.

Thence with said northerly right-of-way line south 70 degrees, 10 minutes, 13 seconds west 258.52 feet to a point.

Thence leaving the northerly right-of-way of the Norfolk and Western Railway Company north 18 degrees, 22 minutes, 02 seconds west 302.31 feet to a point in the south line of Mariemont Avenue.

Thence along said south line north 72 degrees, 34 minutes, 35 seconds east 167.50 feet to a point.

Thence leaving the south line of Mariemont Avenue north 17 degrees, 25 minutes, 25 seconds west 49.00 feet to a point.

Thence north 72 degrees, 34 minutes, 35 seconds east 100.00 feet to a point.

Thence south 17 degrees, 25 minutes, 25 seconds east 49.00 feet to a point.

Thence north 72 degrees, 34 minutes, 35 seconds east 238.90 feet to a point.

Thence south 00 degrees, 52 minutes, 07 seconds east 297.02 feet to a point in the northerly line of the Norfolk and Western Railway Company.

Thence with said northerly right-of-way south 70 degrees, 10 minutes, 13 seconds west 159.63 feet to a point of beginning, containing 3.22 acres, more or less.

(d) PIKE ISLAND LOCKS AND DAM, OHIO.—

(1) IN GENERAL.—Subject to this subsection, the Secretary shall convey by quitclaim deed to the city of Steubenville, Ohio, all right, title, and interest of the United States in and to the approximately 12 acres of land located at the Pike Island Locks and Dam, together with any improvements on the land.

(2) TERMS AND CONDITIONS.—The conveyance by the United States under this subsection shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the city of Steubenville. The city shall also be responsible for any other costs associated with the conveyance authorized by this subsection.

(4) CONSIDERATION OF CERTAIN PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation or other public purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation or other public purposes, title to such property shall revert to the Secretary.

(e) SHENANGO RIVER LAKE PROJECT, OHIO.—

(1) IN GENERAL.—Subject to this subsection, the Secretary shall convey by quitclaim deed to the Kinsman Township, Trumbull County, Ohio, all right, title, and interest of the United States in and to a parcel of land located at the Shenango River Lake project consisting of approximately 1 acre, together with any improvements on the land.

(2) TERMS AND CONDITIONS.—The conveyance by the United States under this subsection shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Kinsman Township. The township shall also be responsible for any other costs associated with the conveyance authorized by this subsection.

(4) CONSIDERATION OF CERTAIN PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation or other public purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation or other public purposes, title to such property shall revert to the Secretary.

(f) EUFAULA LAKE, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(A) the surveys required under paragraphs (3) and (4);

(B) any other necessary survey or survey monumentation;

(C) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(3) LAND SURVEYS.—The exact acreage and description of the parcel to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary. Such

surveys shall be carried out to the satisfaction of the Secretary.

(4) ENVIRONMENTAL BASELINE SURVEY.—Prior to making the conveyance under paragraph (1), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(5) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance under paragraph (1) shall be subject to existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(6) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(g) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) CONSIDERATION.—

(A) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to such property shall revert to the Secretary.

(B) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of the properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) OTHER TERMS AND CONDITIONS.—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(h) BENBROOK LAKE, TEXAS.—

(1) IN GENERAL.—The Secretary shall convey all right, title, and interest of the United States in and to a parcel of real property located at Longhorn Park, also known as ''Pecan Valley Park'', Benbrook Lake, Benbrook, Texas, consisting of approximately 50 acres.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the real property as determined by the Secretary. All costs associated with the conveyance under paragraph (1) and such other costs as the Secretary considers appropriate shall be borne by the purchaser.

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(4) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under paragraph (1) as the Secretary considers appropriate to protect the interests of the United States.

(5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.—Prior to the conveyance of property under paragraph (1), the Secretary shall ensure that the conveyance complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(i) TRI-CITIES AREA, WASHINGTON.—

(1) GENERAL AUTHORITY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in paragraph (2) of all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—

(A) BENTON COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Benton County, Washington, is the property in such county that is designated ''Area D'' on Exhibit A to Army Lease No. DACW–68–1–81–43.

(B) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Franklin County, Washington, is—

(i) the 105.01 acres of property leased pursuant to Army Lease No. DACW–68–1–77–20 as executed by Franklin County, Washington, on April 7, 1977;

(ii) the 35 acres of property leased pursuant to Supplemental Agreement No. 1 to Army Lease No. DACW–68–1–77–20;

(iii) the 20 acres of property commonly known as ''Richland Bend'', which is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(iv) the 7.05 acres of property commonly known as ''Taylor Flat'', which is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(v) the 14.69 acres of property commonly known as ''Byers Landing'', which is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20; and

(vi) all levees within Franklin County, Washington, as of the date of the enactment of this Act, and the property on which the levees are situated.

(C) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(D) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(E) CITY OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Pasco, Washington, is—

(i) the property in the city of Pasco, Washington, that is leased pursuant to Army Lease No. DACW–68–1–77–10; and

(ii) all levees in the city, as of the date of the enactment of this Act, and the property on which the levees are situated.

(F) PORT OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the Port of Pasco, Washington, is—

(i) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(ii) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(G) ADDITIONAL PROPERTIES.—In addition to properties described in subparagraphs (A) through (F), the Secretary may convey to a local government referred to in subparagraphs (A) through (F) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyances under paragraph (1) shall be subject to such terms and conditions, including payment of reasonable administrative costs, as the Secretary considers necessary and appropriate to protect the interests of the United States.

(B) SPECIAL RULE FOR FRANKLIN COUNTY.—The property described in paragraph (2)(B)(vi) shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(ii) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(D) CONSIDERATION.—

(i) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to such property shall revert to the Secretary.

(ii) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (i) shall be conveyed at fair market value.

(4) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(i) CONTRACT.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall contract with a private entity agreed to under clause (ii) to determine, within 6 months after that date, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(ii) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (i) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(B) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of such local government to a height not lower than the minimum safe height determined pursuant to subparagraph (A).

(j) APPLICABILITY OF OTHER LAWS.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with all applicable provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and other environmental laws.

SEC. 502. NAMINGS.

(a) MILT BRANDT VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat.

1192), shall be known and designated as the ''Milt Brandt Visitors Center''.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the ''Milt Brandt Visitors Center''.

(b) CARR CREEK LAKE, KENTUCKY.—

(1) DESIGNATION.—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as ''Carr Creek Lake''.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to ''Carr Creek Lake''.

(c) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—

(1) DESIGNATION.—Uniontown Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the ''John T. Myers Lock and Dam''.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the ''John T. Myers Lock and Dam''.

(d) J. EDWARD ROUSH LAKE, INDIANA.—

(1) REDESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the ''J. Edward Roush Lake''.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the ''J. Edward Roush Lake''.

(e) RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the ''Russell B. Long Lock and Dam''.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the ''Russell B. Long Lock and Dam''.

(f) LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATIONS.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(A) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(B) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(C) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(D) Lock A at Mile 371 designated as Amory Lock.

(E) Lock B at Mile 376 designated as Glover Wilkins Lock.

(F) Lock C at Mile 391 designated as Fulton Lock.

(G) Lock D at Mile 398 designated as John Rankin Lock.

(H) Lock E at Mile 407 designated as G.V. ''Sonny'' Montgomery Lock.

(I) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a lock, or lock and dam, referred to in paragraph (1) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in such paragraph.

SEC. 503. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impacts of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

(d) PROJECT LOCATIONS.—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Gila River and Tributaries, Santa Cruz River, Arizona.

(2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.

(3) Colusa basin, California.

(4) Los Angeles River watershed, California.

(5) Napa Valley watershed, California.

(6) Russian River watershed, California.

(7) Sacramento River watershed, California.

(8) San Pablo Bay watershed, California.

(9) Santa Clara Valley watershed, California.

(10) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.

(11) Lower Platte River watershed, Nebraska.

(12) Juniata River watershed, Pennsylvania, including Raystown Lake.

(13) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 504. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE.—There are authorized to be appropriated for providing construction assistance under this section—

''(1) $10,000,000 for the project described in subsection (c)(5);

''(2) $2,000,000 for the project described in subsection (c)(6);

''(3) $10,000,000 for the project described in subsection (c)(7);

''(4) $11,000,000 for the project described in subsection (c)(8);

''(5) $20,000,000 for the project described in subsection (c)(16); and

''(6) $20,000,000 for the project described in subsection (c)(17).''.

SEC. 505. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

(1) by striking ''$5,000,000''; and inserting ''$7,000,000''; and

(2) in paragraph (4) by inserting ''and Virginia'' after ''Maryland''.

SEC. 506. PERIODIC BEACH NOURISHMENT.

(a) IN GENERAL.—The Secretary shall carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of the project:

(1) BROWARD COUNTY, FLORIDA.—Project for shoreline protection, segments II and III, Broward County, Florida.

(2) FORT PIERCE, FLORIDA.—Project for shoreline protection, Fort Pierce, Florida.

(3) PANAMA CITY BEACHES, FLORIDA.—Project for shoreline protection, Panama City Beaches, Florida.

(4) TYBEE ISLAND, GEORGIA.—Project for beach erosion control, Tybee Island, Georgia.

(b) PERIODIC BEACH NOURISHMENT SUBJECT TO REVIEW.—

(1) REVIEW.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete a review of potential periodic beach nourishment for each of the projects described in paragraph (3) in accordance with the procedures established under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f; 90 Stat. 2933).

(2) AUTHORIZATION.—If the Secretary determines under paragraph (1) that periodic beach nourishment is necessary for a project, the Secretary shall carry out periodic beach nourishment for the project for a period of 50 years beginning on the date of initiation of construction of the project.

(3) PROJECTS.—The projects referred to in paragraph (1) are as follows:

(A) LEE COUNTY, FLORIDA.—Project for shoreline protection, Lee County, Captiva Island segment, Florida.

(B) PALM BEACH COUNTY, FLORIDA.—Project for shoreline protection, Jupiter/Carlin, Ocean Ridge, and Boca Raton North Beach segments, Palm Beach County, Florida.

(C) RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.—Project for hurricane-flood protection, Raritan Bay and Sandy Hook Bay, New Jersey.

(D) FIRE ISLAND INLET, NEW YORK.—Project for shoreline protection, Fire Island Inlet, New York, between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 507. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for each of the following projects if the Secretary determines that the project is feasible:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of $2,500,000.

(2) Construction of a multipurpose dam and reservoir, Bear Valley Dam, Franklin County, Pennsylvania, at an estimated total cost of $15,000,000.

(3) Repair and upgrade of the dam and appurtenant features at Lake Merriweather, Little Calfpasture River, Virginia, at an estimated total cost of $6,000,000.

SEC. 508. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

''(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

''(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

''(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;

''(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

''(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion.''.

SEC. 509. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) East Fork, Calcasieu Pass, Louisiana.

(4) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(5) Greenville Inner Harbor Channel, Mississippi.

(6) New Madrid Harbor, Missouri. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(7) Providence Harbor Shipping Channel, Rhode Island, from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island. For purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(8) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(9) Corpus Christi Ship Channel, Rincon Canal System, Texas.

(10) Brazos Island Harbor, Texas, connecting channel to Mexico.

(11) Blair Waterway, Tacoma Harbor, Washington.

(b) COMPLETION OF ASSESSMENT.—Not later than 6 months after receipt of a request from a non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 510. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies, including—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(3) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(4) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania.

(g) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(h) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 511. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of ''fish-friendly'' turbines, for use on the Columbia River hydrosystem.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 512. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of the Act entitled ''An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)'', approved November 1, 1988 (102 Stat. 2944), is amended—

(1) by striking ''(a) All Federal'' and all that follows through ''Columbia River Gorge Commission'' and inserting the following:

''(a) EXISTING FEDERAL LANDS.—

''(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,''; and

(2) by adding at the end the following:

''(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.''.

SEC. 513. GREAT LAKES CONFINED DISPOSAL FACILITIES.

(a) ASSESSMENT.—Pursuant to the responsibilities of the Secretary under section 123 of the River and Harbor Act of 1970 (33 U.S.C. 1293a), the Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.

(3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at

such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

SEC. 514. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

SEC. 515. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644) is amended to read as follows:

''SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

''(a) GREAT LAKES REMEDIAL ACTION PLANS.—

''(1) IN GENERAL.—The Secretary may provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by a State or local government in the development and implementation of remedial action plans for Areas of Concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

''(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

''(b) SEDIMENT REMEDIATION PROJECTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale projects of promising technologies to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary shall conduct not fewer than 3 full-scale projects under this subsection.

''(2) SITE SELECTION FOR PROJECTS.—In selecting the sites for the technology projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth-Superior Harbor, Minnesota and Wisconsin.

''(3) DEADLINE FOR IDENTIFICATIONS.—The Secretary shall—

''(A) not later than 18 months after the date of the enactment of this paragraph, identify the sites and technologies for projects under this subsection; and

''(B) not later than 3 years after that date, complete each such full-scale project.

''(4) NON-FEDERAL SHARE.—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 1998 through 2000.''.

SEC. 516. SEDIMENT MANAGEMENT.

(a) IN GENERAL.—The Secretary may enter into cooperation agreements with non-Federal interests with respect to navigation projects, or other appropriate non-Federal entities, for the development of long-term management strategies for controlling sediments at such projects.

(b) CONTENTS OF STRATEGIES.—Each strategy developed under subsection (a) shall—

(1) include assessments of sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) include a timetable for implementation of the strategy; and

(3) incorporate relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) CONSULTATION.—In developing strategies under subsection (a), the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

(d) DREDGED MATERIAL DISPOSAL.—

(1) STUDY.—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey that could accommodate as much as 250,000 cubic yards of dredged material for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with any recommendations of the Secretary that may be developed in a strategy under subsection (a).

(e) GREAT LAKES TRIBUTARY MODEL.—

(1) IN GENERAL.—In consultation and coordination with the Great Lakes States, the Secretary shall develop a tributary sediment transport model for each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the Great Lakes Water Quality Agreement of 1978. Such model may be developed as a part of a strategy developed under subsection (a).

(2) REQUIREMENTS FOR MODELS.—In developing a tributary sediment transport model under this subsection, the Secretary shall build on data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries.

(f) GREAT LAKES STATES DEFINED.—In this section, the term ''Great Lakes States'' means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 1998 through 2001.

SEC. 517. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission, established by the 1st section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 518. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.

It is the sense of Congress that the President should engage in negotiations with the Government of Canada for the purposes of—

(1) eliminating tolls along the St. Lawrence Seaway system; and

(2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

SEC. 519. RECREATION PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In determining the feasibility of the public-private cooperative under subsection (a), the Secretary shall provide such infrastructure improvements as are necessary to support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

SEC. 520. FIELD OFFICE HEADQUARTERS FACILITIES.

Subject to amounts being made available in advance in appropriations Acts, the Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for—

(1) the New England Division, Waltham, Massachusetts; and

(2) the Jacksonville District, Jacksonville, Florida.

SEC. 521. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXPANSION.

Using existing resources, the Secretary shall expand the Earthquake Preparedness Center of Expertise to address issues in the central United States by providing the necessary capability at an existing district office of the Corps of Engineers near the New Madrid fault.

SEC. 522. JACKSON COUNTY, ALABAMA.

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Stevenson.

(b) COST SHARING.—The Federal cost of assistance provided under this section may not exceed $3,000,000. The non-Federal share of assistance provided under this section shall be 25 percent.

SEC. 523. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following:

''(c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.''.

SEC. 524. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of the enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 525. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project for creation of fish and wildlife habitat at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Bendway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project;

if the Secretary determines that the items and activities are compatible with the project.

SEC. 526. CALAVERAS COUNTY, CALIFORNIA.

(a) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to non-Federal interests, in cooperation with Federal and State agencies, for reclamation and water quality protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines in the watershed of the lower Mokelume River in Calaveras County, California.

(b) CONSULTATION WITH FEDERAL ENTITIES.—Any project under subsection (a) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(c) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under subsection (a) shall be 50 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent.

(d) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section is intended to affect the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 527. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 528. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and any modification to the project authorized by law.

(2) COMMISSION.—The term ''Commission'' means the Governor's Commission for a Sustainable South Florida, established by Executive Order of the Governor dated March 3, 1994.

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.

(4) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the area consisting of the lands and waters within the boundary of the South Florida Water Management District, including the Everglades, the Florida Keys, and the contiguous near-shore coastal waters of South Florida.

(5) TASK FORCE.—The term ''Task Force'' means the South Florida Ecosystem Restoration Task Force established by subsection (f).

(b) RESTORATION ACTIVITIES.—

(1) COMPREHENSIVE PLAN.—

(A) DEVELOPMENT.—

(i) PURPOSE.—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the South Florida ecosystem. The comprehensive plan shall provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades. The comprehensive plan shall include such features as are necessary to provide for the water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.

(ii) CONSIDERATIONS.—The comprehensive plan shall—

(I) be developed by the Secretary in cooperation with the non-Federal project sponsor and in consultation with the Task Force; and

(II) consider the conceptual framework specified in the report entitled ''Conceptual Plan for the Central and Southern Florida Project Restudy'', published by the Commission and approved by the Governor.

(B) SUBMISSION.—Not later than July 1, 1999, the Secretary shall—

(i) complete the feasibility phase of the Central and Southern Florida Project comprehensive review study as authorized by section 309(l) of the Water Resources Development Act of 1992 (106 Stat. 4844), and by 2 resolutions of the Committee on Public Works and Transportation of the House of Representatives, dated September 24, 1992; and

(ii) submit to Congress the plan developed under subparagraph (A)(i) consisting of a feasibility report and a programmatic environmental impact statement covering the proposed Federal action set forth in the plan.

(C) ADDITIONAL STUDIES AND ANALYSES.—Notwithstanding the completion of the feasibility report under subparagraph (B), the Secretary shall continue to conduct such studies and analyses as are necessary, consistent with subparagraph (A)(i).

(2) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED PROJECT FEATURES.—The Secretary shall design and construct any features of the Central and Southern Florida Project that are authorized on the date of the enactment of this Act or that may be implemented in accordance with the Secretary's authority to modify an authorized project, including features authorized under sections 315 and 316, with funds that are otherwise available, if the Secretary determines that the design and construction—

(A) will accelerate the restoration, preservation, and protection of the South Florida ecosystem;

(B) will be generally consistent with the conceptual framework described in paragraph (1)(A)(ii)(II); and

(C) will be compatible with the overall authorized purposes of the Central and Southern Florida Project.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—In addition to the activities described in paragraphs (1) and (2), if the Secretary, in cooperation with the non-Federal project sponsor and the Task Force, determines that a restoration project for the South Florida ecosystem will produce independent, immediate, and substantial restoration, preservation, and protection benefits, and will be generally consistent with the conceptual framework described in paragraph (1)(A)(ii)(II), the Secretary shall proceed expeditiously with the implementation of the restoration project.

(B) INITIATION OF PROJECTS.—After September 30, 1999, no new projects may be initiated under subparagraph (A).

(C) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Department of the Army to pay the Federal share of the cost of carrying out projects under subparagraph (A) $75,000,000 for the period consisting of fiscal years 1997 through 1999.

(ii) FEDERAL SHARE.—The Federal share of the cost of carrying out any 1 project under subparagraph (A) shall be not more than $25,000,000.

(4) GENERAL PROVISIONS.—

(A) WATER QUALITY.—In carrying out activities described in this subsection and sections 315 and 316, the Secretary—

(i) shall take into account the protection of water quality by considering applicable State water quality standards; and

(ii) may include in projects such features as are necessary to provide water to restore, preserve, and protect the South Florida ecosystem.

(B) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this subsection and subsection (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) PUBLIC PARTICIPATION.—In developing the comprehensive plan under paragraph (1) and carrying out the activities described in this subsection and subsection (c), the Secretary shall provide for public review and comment on the activities in accordance with applicable Federal law.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out activities described in subsection (b), the Secretary shall integrate such activities with ongoing Federal and State projects and activities, including—

(A) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4802);

(B) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(C) activities under the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note; 104 Stat. 3089); and

(D) the Everglades Construction Project of the State of Florida.

(2) STATUTORY CONSTRUCTION.—

(A) EXISTING AUTHORITY.—Except as otherwise expressly provided in this section, nothing in this section affects any authority in effect on the date of the enactment of this Act, or any requirement of the authority, relating to participation in restoration activities in the South Florida ecosystem, including the projects and activities specified in paragraph (1), by—

(i) the Department of the Interior;

(ii) the Department of Commerce;

(iii) the Department of the Army;

(iv) the Environmental Protection Agency;

(v) the Department of Agriculture;

(vi) the State of Florida; and

(vii) the South Florida Water Management District.

(B) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out the activities to restore, preserve, and protect the South Florida ecosystem described in subsection (b), the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the South Florida ecosystem in general and the Everglades and Florida Bay in particular; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the South Florida ecosystem.

(e) COST SHARING.—

(1) IN GENERAL.—Except as provided in sections 315 and 316 and paragraph (2), the non-Federal share of the cost of activities described in subsection (b) shall be 50 percent.

(2) WATER QUALITY FEATURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the

cost of project features to improve water quality described in subsection (b) shall be 100 percent.

(B) EXCEPTION.—

(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines that a project feature to improve water quality is essential to Everglades restoration, the non-Federal share of the cost of the feature shall be 50 percent.

(ii) APPLICABILITY.—Clause (i) shall not apply to any feature of the Everglades Construction Project of the State of Florida.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of projects carried out under this section shall be a non-Federal responsibility.

(4) CREDIT.—Regardless of the date of acquisition, the value of lands or interests in land acquired by non-Federal interests for any activity described in subsection (b) shall be included in the total cost of the activity and credited against the non-Federal share of the cost of the activity. Such value shall be determined by the Secretary.

(f) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(I) 1 representative of the Seminole Tribe of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the tribal chairman.

(J) 2 representatives of the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(K) 1 representative of the South Florida Water Management District, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(L) 2 representatives of local government in the State of Florida, to be appointed by the Secretary of the Interior based on the recommendations of the Governor.

(2) DUTIES OF TASK FORCE.—The Task Force—

(A) shall consult with, and provide recommendations to, the Secretary during development of the comprehensive plan under subsection (b)(1);

(B) shall coordinate the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for addressing the restoration, preservation, and protection of the South Florida ecosystem;

(C) shall exchange information regarding programs, projects, and activities of the agencies and entities represented on the Task Force to promote ecosystem restoration and maintenance;

(D) shall establish a Florida-based working group which shall include representatives of the agencies and entities represented on the Task Force as well as other governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing the policies, strategies, plans, programs, projects, activities, and priorities of the Task Force;

(E) may, and the working group described in subparagraph (D), may—

(i) establish such advisory bodies as are necessary to assist the Task Force in its duties, including public policy and scientific issues; and

(ii) select as an advisory body any entity, such as the Commission, that represents a broad variety of private and public interests;

(F) shall facilitate the resolution of interagency and intergovernmental conflicts associated with the restoration of the South Florida ecosystem among agencies and entities represented on the Task Force;

(G) shall coordinate scientific and other research associated with the restoration of the South Florida ecosystem;

(H) shall provide assistance and support to agencies and entities represented on the Task Force in their restoration activities;

(I) shall prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the restoration, preservation, and protection of the South Florida ecosystem; and

(J) shall submit a biennial report to Congress that summarizes—

(i) the activities of the Task Force;

(ii) the policies, strategies, plans, programs, projects, activities, and priorities planned, developed, or implemented for the restoration of the South Florida ecosystem; and

(iii) progress made toward the restoration.

(3) PROCEDURES AND ADVICE.—

(A) PUBLIC PARTICIPATION.—

(i) IN GENERAL.—The Task Force shall implement procedures to facilitate public participation in the advisory process, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(ii) OVERSIGHT.—The Secretary of the Interior shall ensure that the procedures described in clause (i) are adopted and implemented and that the records described in clause (i) are accurately maintained and available for public inspection.

(B) ADVISORS TO THE TASK FORCE AND WORKING GROUP.—The Task Force or the working group described in paragraph (2)(D) may seek advice and input from any interested, knowledgeable, or affected party as the Task Force or working group, respectively, determines necessary to perform the duties described in paragraph (2).

(C) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(i) TASK FORCE AND WORKING GROUP.—The Task Force and the working group shall not be considered advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.).

(ii) ADVISORS.—Seeking advice and input under subparagraph (B) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 529. TAMPA, FLORIDA.

The Secretary may enter into a cooperative agreement under section 229 with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of $500,000.

SEC. 530. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.

(a) DEVELOPMENT.—The Secretary, in consultation with the Natural Resources Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, including Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) CONTENTS.—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including—

(1) sediment flow into Deep River, Turkey Creek, and other tributaries;

(2) control of sediment quality in Lake George;

(3) flooding problems;

(4) the safety of the Lake George Dam; and

(5) watershed management.

SEC. 531. SOUTHERN AND EASTERN KENTUCKY.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entering into the agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out

under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) SOUTHERN AND EASTERN KENTUCKY DEFINED.—In this section, the term ''southern and eastern Kentucky'' means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 532. COASTAL WETLANDS RESTORATION PROJECTS, LOUISIANA.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782–4783) is amended—

(1) in paragraph (4) by striking ''and (3)'' and inserting ''(3), and (5)''; and

(2) by adding at the end the following:

''(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), upon approval of the conservation plan under section 304 and a determination by the Secretary that a reduction in the non-Federal share is warranted, amounts made available in accordance with section 306 to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.''.

SEC. 533. SOUTHEAST LOUISIANA.

(a) FLOOD CONTROL.—The Secretary shall proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefuncte, and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, July 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990.

(b) COST SHARING.—The cost of any work performed by the non-Federal interests subsequent to the dates of the reports referred to in subsection (a) and determined by the Secretary to be a compatible and integral part of the projects shall be credited toward the non-Federal share of the projects.

(c) FUNDING.—There is authorized to be appropriated $100,000,000 for the initiation and partial accomplishment of projects described in the reports referred to in subsection (a).

(d) ADDITIONAL OBLIGATIONS.—No funds may be obligated in excess of the amount authorized by subsection (c) for the projects for flood control and improvements to rainfall drainage systems authorized by subsection (a) until the Corps of Engineers determines that the additional work to be carried out with such funds is technically sound, environmentally acceptable, and economic, as applicable.

SEC. 534. ASSATEAGUE ISLAND, MARYLAND AND VIRGINIA.

(a) PROJECT TO MITIGATE SHORE DAMAGE.—The Secretary shall expedite the Assateague Island restoration feature of the Ocean City, Maryland, and vicinity study and, if the Secretary determines that the Federal navigation project has contributed to degradation of the shoreline, the Secretary shall carry out the shoreline restoration feature. The Secretary shall allocate costs for the project feature pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i; 82 Stat. 735).

(b) COORDINATION.—In carrying out the project under this section, the Secretary shall coordinate with affected Federal and State agencies and shall enter into an agreement with the Federal property owner to determine the allocation of the project costs.

(c) FUNDING.—There is authorized to be appropriated to carry out this section $35,000,000.

SEC. 535. CUMBERLAND, MARYLAND.

The Secretary may provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Chesapeake and Ohio Canal, in the vicinity of Cumberland, Maryland.

SEC. 536. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 537. POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, substantially in accordance with, and subject to the conditions described in, the report of the Secretary dated September 3, 1996, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000. The project shall be carried out under the policies and cooperative agreement requirements of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326), except that subsection (e) of such section shall not apply to the project authorized by this section.

SEC. 538. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) IN GENERAL.—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of $450,000.

(b) IMPLEMENTATION ON EMERGENCY BASIS.—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) COST SHARING.—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 539. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

(a) IN GENERAL.—

(1) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to non-Federal interests, in cooperation with Federal and State agencies, for reclamation and water quality protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and

(B) the New River, West Virginia, watershed.

(2) ADDITIONAL MEASURES.—Projects under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the lack of sanitary wastewater treatment facilities or the need to enhance such facilities.

(3) CONSULTATION WITH FEDERAL ENTITIES.—Any project under paragraph (1) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under subsection (a)(1) shall be 50 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent.

(c) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section is intended to affect the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,500,000 for projects undertaken under subsection (a)(1)(A) and $1,500,000 for projects undertaken under subsection (a)(1)(B).

SEC. 540. CONTROL OF AQUATIC PLANTS, MICHIGAN, PENNSYLVANIA, AND VIRGINIA AND NORTH CAROLINA.

The Secretary shall carry out under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610)—

(1) a program to control aquatic plants in Lake St. Clair, Michigan;

(2) a program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania; and

(3) a program to control aquatic plants in Lake Gaston, Virginia and North Carolina.

SEC. 541. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 542. LAKE SUPERIOR CENTER, MINNESOTA.

(a) CONSTRUCTION.—The Secretary shall assist the Minnesota Lake Superior Center authority in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) PUBLIC OWNERSHIP.—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the construction of the facility under subsection (a) $10,000,000.

SEC. 543. REDWOOD RIVER BASIN, MINNESOTA.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of $4,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 544. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 6 months after the date of the enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by the Act entitled ''An Act making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to

provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes'', approved March 24, 1983 (97 Stat. 13).

SEC. 545. NATCHEZ BLUFFS, MISSISSIPPI.

The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with the Natchez Bluffs Study, dated September 1985, the Natchez Bluffs Study: Supplement I, dated June 1990, and the Natchez Bluffs Study: Supplement II, dated December 1993, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000. The project shall be carried out in the portions of the bluffs described in the studies specified in the preceding sentence as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4.

SEC. 546. SARDIS LAKE, MISSISSIPPI.

(a) MANAGEMENT.—The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the Sardis Lake Recreation and Tourism Master Plan prepared by the city for the economic development of the Sardis Lake area.

(b) FLOOD CONTROL STORAGE.—The Secretary shall review the study conducted by the city of Sardis, Mississippi, regarding the impact of the Sardis Lake Recreation and Tourism Master Plan prepared by the city on flood control storage in Sardis Lake. The city shall not be required to reimburse the Secretary for the cost of such storage, or the cost of the Secretary's review, if the Secretary finds that the loss of flood control storage resulting from implementation of the master plan is not significant.

SEC. 547. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation), no county located at the confluence of the Missouri and Mississippi Rivers or community located in any county located at the confluence of the Missouri and Mississippi Rivers shall have its participation in the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) suspended, revoked, or otherwise affected solely due to that county's or community's permitting the raising of levees by any public-sponsored levee district, along an alignment approved by the circuit court of such county, to a level sufficient to contain a 20-year flood.

(b) PERMITS.—The permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) numbered P–1972, authorizing the reshaping and realignment of an existing levee, shall be considered adequate to allow the raising of levees under subsection (a).

SEC. 548. ST. LOUIS, MISSOURI.

The Secretary shall not reassign the St. Louis District of the Corps of Engineers from the operational control of the Lower Mississippi Valley Division.

SEC. 549. LIBBY DAM, MONTANA.

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $16,000,000. Such sums shall remain available until expended.

SEC. 550. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4849) is amended to read as follows:

''(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.''.

SEC. 551. HUDSON RIVER HABITAT RESTORATION, NEW YORK.

(a) HABITAT RESTORATION.—The Secretary shall expedite the feasibility study of the Hudson River Habitat Restoration, Hudson River Basin, New York, and may carry out not fewer than 4 projects for habitat restoration in the Hudson River Basin, to the extent the Secretary determines such work to be advisable and technically feasible. Such projects shall be designed to—

(1) assess and improve habitat value and environmental outputs of recommended projects;

(2) evaluate various restoration techniques for effectiveness and cost;

(3) fill an important local habitat need within a specific portion of the study area; and

(4) take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the overall cost of implementing one of the recommended restoration project sites.

(b) NON-FEDERAL SHARE.—Non-Federal interests shall provide 25 percent of the cost of each project undertaken under subsection (a). The non-Federal share may be in the form of cash or in-kind contributions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000.

SEC. 552. NEW YORK CITY WATERSHED.

(a) ENVIRONMENTAL ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) ELIGIBLE PROJECTS.—

(1) CERTIFICATION.—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) SPECIAL CONSIDERATION.—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the New York City Watershed.

(3) PROJECT DESCRIPTIONS.—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses that preserve and enhance the economic and social character of the communities in the New York City Watershed and protect and enhance water quality.

(d) COOPERATION AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director for the project to be carried out with such assistance.

(e) COST SHARING.—

(1) IN GENERAL.—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(2) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into the agreement with the Secretary for a project.

(3) CREDIT FOR INTEREST.—In the event of a delay in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest costs incurred to provide the non-Federal share of a project's cost.

(4) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs (including direct costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) NEW YORK CITY WATERSHED DEFINED.—In this section, the term ''New York City Watershed'' means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Duchess, New York, that contributes water to the water supply system of New York City.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $22,500,000.

SEC. 553. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—The Secretary may make capital improvements to the New York State Canal System.

(b) AGREEMENTS.—The Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trailside facilities and other recreational projects along the waterways of the canal system.

(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term ''New York State Canal System'' means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000.

SEC. 554. ORCHARD BEACH, BRONX, NEW YORK.

The Secretary shall conduct a study for a project for shoreline protection, Orchard Beach, Bronx, New York, and, if the Secretary determines that the project is feasible, may carry out

the project, at a maximum Federal cost of $5,200,000.

SEC. 555. DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK-NEW JERSEY.

(a) IN GENERAL.—The Secretary may construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York-New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront.

(b) COST SHARING.—The costs associated with feasibility studies, design, engineering, and construction under this section shall be shared with the non-Federal interest in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) PUBLIC BENEFIT.—After the facility constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 556. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) as of the date of the enactment of this Act, lies between the southerly high water line of Anable Basin (also known as the ''11th Street Basin'') and the northerly high water line of Newtown Creek; and

(3) extends from the high water line (as of such date of enactment) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of the enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 557. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the States of North Dakota and South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in North Dakota and South Dakota.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

SEC. 558. NORTHEASTERN OHIO.

The Secretary may provide technical assistance to local interests for establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 50 percent.

SEC. 559. OHIO RIVER GREENWAY.

(a) EXPEDITED COMPLETION OF STUDY.—The Secretary shall expedite the completion of the study for a project for the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) CONSTRUCTION.—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) COST SHARING.—Total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(e) CREDIT.—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

SEC. 560. GRAND LAKE, OKLAHOMA.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall carry out and complete a study of flooding in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands that the Secretary determines have been adversely impacted by such operation or should have been originally purchased as flowage easement for the project.

(b) ACQUISITION OF REAL PROPERTY.—Upon completion of the study and subject to advance appropriations, the Secretary may acquire from willing sellers such real property interests in any lands identified in the study as the Secretary determines are necessary to reduce the adverse impacts identified in the study conducted under subsection (a).

(c) IMPLEMENTATION REPORTS.—The Secretary shall transmit to Congress reports on the operation of Pensacola Dam, including data on and a description of releases in anticipation of flooding (referred to as ''preoccupancy releases''), and the implementation of this section. The first of such reports shall be transmitted not later than 2 years after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000.

(2) MAXIMUM FUNDING FOR STUDY.—Of amounts appropriated to carry out this section, not to exceed $1,500,000 shall be available for carrying out the study under subsection (a).

SEC. 561. BROAD TOP REGION OF PENNSYLVANIA.

Section 304 of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a)—

''(A) shall be 75 percent; and

''(B) may be in the form of grants or reimbursements of project costs.

''(2) NON-FEDERAL SHARE.—The non-Federal share of project costs may be provided in the form of design and construction services and other in-kind work provided by the non-Federal interests, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. Non-Federal interests shall receive credit for grants and the value of work performed on behalf of such interests by State and local agencies, as determined by the Secretary.''; and

(2) in subsection (c) by striking ''$5,500,000'' and inserting ''$11,000,000''.

SEC. 562. CURWENSVILLE LAKE, PENNSYLVANIA.

The Secretary shall modify the allocation of costs for the water reallocation project at Curwensville Lake, Pennsylvania, to the extent that the Secretary determines that such modification will provide environmental restoration benefits in meeting instream flow needs in the Susquehanna River basin.

SEC. 563. HOPPER DREDGE MCFARLAND.

(a) PROJECT AUTHORIZATION.—

(1) DETERMINATION.—The Secretary shall determine the advisability and necessity of making modernization and efficiency improvements to the hopper dredge McFarland. In making such determination, the Secretary shall—

(A) assess the need for returning the dredge to active service;

(B) determine whether the McFarland should be returned to active service or the reserve fleet after the potential improvements are completed and paid for; and

(C) establish minimum standards of dredging service to be met in areas served by the McFarland while the dredge is undergoing improvements.

(2) AUTHORIZATION.—If the Secretary determines under paragraph (1) that such modernization and efficiency improvements are advisable and necessary, the Secretary may carry out the modernization and efficiency improvements. The Secretary may carry out such improvements only at the Philadelphia Naval Shipyard, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 564. PHILADELPHIA, PENNSYLVANIA.

(a) WATER WORKS RESTORATION.—

(1) IN GENERAL.—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary shall provide planning, design, and construction assistance for the protection and restoration of the Philadelphia, Pennsylvania, Water Works.

(2) COORDINATION.—In providing assistance under this subsection, the Secretary shall coordinate with the Fairmount Park Commission and the Secretary of the Interior.

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $1,000,000.

(b) COOPERATION AGREEMENT FOR SCHUYLKILL NAVIGATION CANAL.—

(1) IN GENERAL.—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of the rehabilitation under paragraph (1) shall not exceed $300,000 for each fiscal year.

(3) AREA INCLUDED.—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long extending between Lock and Fountain Streets, Philadelphia, Pennsylvania.

(c) SCHUYLKILL RIVER PARK.—

(1) ASSISTANCE.—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary may provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) FUNDING.—There is authorized to be appropriated to carry out this subsection $2,700,000.

(d) PENNYPACK PARK.—

(1) ASSISTANCE.—Upon completion of a report by the Corps of Engineers that such work is technically sound, environmentally acceptable, and economic, as applicable, the Secretary may provide technical, design, construction, and financial assistance for measures for the improvement and restoration of aquatic habitats and aquatic resources at Pennypack Park, Philadelphia, Pennsylvania.

(2) COOPERATION AGREEMENTS.—In providing assistance under this subsection, the Secretary shall enter into cooperation agreements with the city of Philadelphia, acting through the Fairmount Park Commission.

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $15,000,000.

(e) FRANKFORD DAM.—

(1) COOPERATION AGREEMENTS.—The Secretary may enter into cooperation agreements with the city of Philadelphia, Pennsylvania, acting through the Fairmount Park Commission, to provide assistance for the elimination of the Frankford Dam, the replacement of the Rhawn Street Dam, and modifications to the Roosevelt Dam and the Verree Road Dam.

(2) FUNDING.—There is authorized to be appropriated to carry out this subsection $900,000.

SEC. 565. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 566. SOUTHEASTERN PENNSYLVANIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania, including projects for waste water treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) SOUTHEASTERN PENNSYLVANIA DEFINED.—In this section, the term ''southeastern Pennsylvania'' means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000.

SEC. 567. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) The Juniata River watershed, Pennsylvania, at an estimated Federal cost of $8,000,000.

(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $5,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 568. WILLS CREEK, HYNDMAN, PENNSYLVANIA.

The Secretary may carry out a project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania, at an estimated total cost of $5,000,000.

SEC. 569. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.

(a) IN GENERAL.—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island and Massachusetts.

(b) FEDERAL SHARE.—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

SEC. 570. DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF PROVIDENCE, RHODE ISLAND.

(a) IN GENERAL.—The Secretary may construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of Providence, Rhode Island.

(b) COST SHARING.—The costs associated with feasibility studies, design, engineering, and construction shall be shared with the non-Federal interest in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) PUBLIC BENEFIT.—After the facility constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 571. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000, with an estimated Federal cost of $1,012,500 and an estimated non-Federal cost of $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 572. EAST RIDGE, TENNESSEE.

The Secretary shall conduct a limited reevaluation of the flood management study for the East Ridge and Hamilton County area, Tennessee, undertaken by the Tennessee Valley Authority and may carry out the project at an estimated total cost of up to $25,000,000.

SEC. 573. MURFREESBORO, TENNESSEE.

The Secretary may carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 574. TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE.

The Secretary shall conduct a study for a project for bank stabilization, Tennessee River, Hamilton County, Tennessee, and, if the Secretary determines that the project is feasible, may carry out the project, at a maximum Federal cost of $7,500,000.

SEC. 575. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project.

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258);

(2) the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610); and

(3) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014).

SEC. 576. NEABSCO CREEK, VIRGINIA.

The Secretary shall carry out a project for flood control, Neabsco Creek Watershed, Prince William County, Virginia, at an estimated total cost of $1,500,000.

SEC. 577. TANGIER ISLAND, VIRGINIA.

(a) IN GENERAL.—The Secretary shall design and construct a breakwater at the North Channel on Tangier Island, Virginia, at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.

(b) COST-BENEFIT RATIO.—Congress finds that in view of the historic preservation benefits resulting from the project authorized by this section, the overall benefits of the project exceed the costs of the project.

SEC. 578. PIERCE COUNTY, WASHINGTON.

(a) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to ensure that non-Federal levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n; 55 Stat. 650).

(b) PURPOSE OF ASSISTANCE.—The purpose of the assistance under this section shall be to provide a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (25 U.S.C. 1773 et seq.; 103 Stat. 83) and standards for project maintenance and vegetation management used by the Secretary in order to determine eligibility for levee rehabilitation assistance and, if appropriate, to amend such standards as needed to make non-Federal levees eligible for assistance that may be necessary as a result of future flooding.

SEC. 579. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.

(a) IN GENERAL.—The Secretary may design and implement a flood damage reduction program for the Greenbrier River Basin, West Virginia, in the vicinity of Durbin, Cass, Marlinton, Renick, Ronceverte, and Alderson as generally presented in the District Engineer's draft Greenbrier River Basin Study Evaluation Report, dated July 1994, to the extent provided under subsection (b) to afford such communities a level of protection against flooding sufficient to reduce future losses to such communities from the likelihood of flooding such as occurred in November 1985, January 1996, and May 1996.

(b) FLOOD PROTECTION MEASURES.—The flood damage reduction program referred to in subsection (a) may include the following as the Chief of Engineers determines necessary and advisable in consultation with the communities referred to in subsection (a):

(1) Local protection projects such as levees, floodwalls, channelization, small tributary stream impoundments, and nonstructural measures such as individual floodproofing.

(2) Floodplain relocations and resettlement site developments, floodplain evacuations, and a comprehensive river corridor and watershed management plan generally in accordance with the District Engineer's draft Greenbrier River Corridor Management Plan, Concept Study, dated April 1996.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

SEC. 580. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The Secretary shall conduct a limited reevaluation of the watershed plan and the environmental impact statement prepared for the Lower Mud River, Milton, West Virginia, by the Natural Resources Conservation Service pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and may carry out the project.

SEC. 581. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) IN GENERAL.—The Secretary may design and construct flood control measures in the Cheat and Tygart River Basins, West Virginia, and the Lower Allegheny, Lower Monongahela, West Branch Susquehanna, and Juniata River Basins, Pennsylvania, at a level of protection sufficient to prevent any future losses to these communities from flooding such as occurred in January 1996, but no less than a 100-year level of flood protection.

(b) PRIORITY COMMUNITIES.—In carrying out this section, the Secretary shall give priority to the communities of—

(1) Parsons and Rowlesburg, West Virginia, in the Cheat River Basin;

(2) Bellington and Phillipi, West Virginia, in the Tygart River Basin;

(3) Connellsville, Pennsylvania, in the Lower Monongahela River Basin;

(4) Benson, Hooversville, Clymer, and New Bethlehem, Pennsylvania, in the Lower Allegheny River Basin;

(5) Patton, Barnesboro, Coalport, and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin; and

(6) Bedford, Linds Crossings, and Logan Township in the Juniata River Basin.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

SEC. 582. SITE DESIGNATION.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended—

(1) by inserting after ''for a site'' the following: ''(other than the site located off the coast of Newport Beach, California, which is known as 'LA-3')''; and

(2) by adding at the end the following: ''Beginning January 1, 2000, no permit for dumping pursuant to this Act or authorization for dumping under section 103(e) shall be issued for the site located off the coast of Newport Beach, California, which is known as 'LA-3', unless such site has received a final designation pursuant to this subsection or an alternative site has been selected pursuant to section 103(b).''.

SEC. 583. LONG ISLAND SOUND.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended by striking ''1996'' each place it appears and inserting ''2001''.

SEC. 584. WATER MONITORING STATION.

(a) ASSISTANCE.—The Secretary shall provide assistance to non-Federal interests for reconstruction of the water monitoring station on the North Fork of the Flathead River, Montana.

(b) FUNDING.—There is authorized to be appropriated to carry out this section $50,000.

SEC. 585. OVERFLOW MANAGEMENT FACILITY.

(a) ASSISTANCE.—The Secretary shall provide assistance to the Narragansett Bay Commission for the construction of a combined river overflow management facility in Rhode Island.

(b) FUNDING.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 586. PRIVATIZATION OF INFRASTRUCTURE ASSETS.

(a) IN GENERAL.—Notwithstanding the provisions of title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.), Executive Order 12803, or any other law or authority, an entity that received Federal grant assistance for an infrastructure asset under the Federal Water Pollution Control Act shall not be required to repay any portion of the grant upon the lease or concession of the asset only if—

(1) ownership of the asset remains with the entity that received the grant; and

(2) the Administrator of the Environmental Protection Agency determines that the lease or concession furthers the purposes of such Act and approves the lease or concession.

(b) LIMITATION.—The Administrator shall not approve a total of more than 5 leases and concessions under this section.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

''(1) to carry out section 210 of the Water Resources Development Act of 1986 (as in effect on the date of the enactment of the Water Resources Development Act of 1996),''.

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,
Managers on the Part of the House.

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
DANIEL PATRICK MOYNIHAN,
Managers of the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 640), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS

101(a) Projects with Chief's reports

101(a)(1) American River Watershed, California.—House §101(a)(1), Senate §101(b)(3)—Senate recedes with an amendment to paragraphs (A) & (D).

101(a)(2) Humboldt Harbor and Bay, California.—House §101(a)(6), Senate §101(a)(1)—Senate recedes.

101(a)(3) Marin County Shoreline, San Rafael, California.—House §101(a)(5), Senate §101(a)(2)—Senate recedes with an amendment.

101(a)(4) Port of Long Beach (Deepening), California.—House §101(b)(5), Senate §104(d)—Senate recedes with an amendment.

101(a)(5) San Lorenzo River, California.—House §101(a)(2), Senate §101(a)(3)—House recedes with an amendment.

101(a)(6) Santa Barbara Harbor, California.—House §101(a)(3), Senate §101(a)(4)—Senate recedes.

101(a)(7) Santa Monica Breakwater, California.—House §101(a)(4), Senate §101(b)(4)—Senate recedes with an amendment.

101(a)(8) Anacostia River and Tributaries, District of Columbia and Maryland.—House §101(a)(7), Senate §101(a)(5)—Senate recedes.

101(a)(9) Atlantic Intracoastal Waterway, St. Johns County, Florida.—House §101(a)(8), Senate §101(a)(6)—Senate recedes.

101(a)(10) Cedar Hammock (Wares Creek), Florida.—House §535, non comparable Senate section—Senate recedes with an amendment.

101(a)(11) Lower Savannah River Basin, Georgia and South Carolina.—House §101(b)(11), Senate §101(b)(5)—House recedes with an amendment.

101(a)(12) Lake Michigan, Illinois.—House §101(a)(9), Senate §101(a)(7)—Senate recedes.

101(a)(13) Kentucky Lock and Dam, Tennessee River, Kentucky.—House §101(a)(10), Senate §101(a)(8)—Senate recedes.

101(a)(14) Pond Creek, Jefferson County, Kentucky.—House §101(a)(11), Senate §101(a)(9)—Senate recedes.

101(a)(15) Wolf Creek Dam and Lake Cumberland, Kentucky.—House §101(a)(12), Senate §101(a)(10)—Senate recedes.

101(a)(16) Port Fourchon, LaFourche Parish, Louisiana.—House §101(a)(13), Senate §101(a)(11)—Senate recedes.

101(a)(17) West Bank of the Mississippi River, New Orleans (East of Harvey Canal), Louisiana.—House §101(a)(14), Senate §101(a)(12)—Senate recedes.

101(a)(18) Blue River Basin, Kansas City, Missouri.—No comparable House or Senate section.

101(a)(19) Wood River, Grand Island, Nebraska.—House §101(a)(15), Senate §101(a)(14)—Senate recedes.

101(a)(20) Las Cruces, New Mexico.—House §101(a)(16), Senate §101(b)(9)—Senate recedes.

101(a)(21) Atlantic Coast of Long Island, New York.—House §101(a)(17), Senate §101(a)(15)—House recedes with an amendment.

101(a)(22) Cape Fear-Northeast (Cape Fear) Rivers, North Carolina.—House §101(b)(13), Senate §101(b)(10)—House recedes with an amendment.

101(a)(23) Wilmington Harbor, Cape Fear River, North Carolina.—House §101(b)(18), Senate §101(a)(16)—Senate recedes.

101(a)(24) Duck Creek, Cincinnati, Ohio.—House §101(a)(19), Senate §101(a)(17)—Senate recedes.

101(a)(25) Willamette River Temperature Control, McKenzie Subbasin, Oregon.—House §101(a)(20), Senate §222—Senate recedes.

101(a)(26) Rio Grande de Arecibo, Puerto Rico.—House §101(a)(21), no comparable Senate section—Senate recedes.

101(a)(27) Charleston Harbor, South Carolina.—House §101(a)(22), Senate §101(b)(11)—Senate recedes.

101(a)(28) Big Sioux River and Skunk Creek, Sioux Falls, South Dakota.—House §101(a)(23), Senate §101(a)(18)—Senate recedes.

101(a)(29) Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas.—House §101(a)(25)—no comparable Senate section—Senate recedes.

101(a)(30) Houston-Galveston Navigation Channels, Texas.—House §101(a)(26), Senate §101(a)(19)—House recedes with an amendment.

101(a)(31) Marmet Lock, Kanawha River, West Virginia.—House §101(a)(27), Senate §101(a)(21)—Senate recedes.

101(b) Projects subject to report

The conference report includes project authorizations for which the Chief of Engineers has not yet completed a final report, but for which such reports are anticipated by December 31, 1996. These projects have been included in order to assure that projects anticipated to satisfy the necessary technical documentation by December 31, 1996 are not delayed until the next authorization bill. The Corps of Engineers has advised in each case that the final reports can be completed by the end of 1996. The Corps is directed to expedite final review on these projects so that further congressional action will not be necessary.

101(b)(1) Chignik, Alaska.—House §101(b)(1), Senate §101(b)(1)—House recedes.

101(b)(2) Cook Inlet, Alaska.—House §101(b)(2), Senate §101(b)(2)—House recedes.

101(b)(3) St. Paul Island Harbor, St. Paul, Alaska.—House §101(b)(3), no comparable Senate section—Senate recedes.

101(b)(4) Norco Bluffs, Riverside County, California.—House §101(b)(4), no comparable Senate section—Senate recedes.

101(b)(5) Terminus Dam, Kaweah River, California.—House §101(b)(6), no comparable Senate section—Senate recedes.

101(b)(6) Rehoboth Beach and Dewey Beach, Delaware.—House §101(b)(7), no comparable Senate section—Senate recedes.

101(b)(7) Brevard County, Florida.—House §101(b)(8), no comparable Senate section—Senate recedes.

101(b)(8) Lake Worth Inlet, Florida.—House §101(b)(10), no comparable Senate section—Senate recedes with an amendment.

101(b)(9) Miami Harbor Channel, Florida.—House §101(b)(9), no comparable Senate section—Senate recedes.

101(b)(10) New Harmony, Indiana.—Senate §101(b)(6), no comparable House section—House recedes with an amendment.

101(b)(11) Westwego to Harvey Canal, Louisiana.—House §337, Senate §102(a)—House recedes with an amendment.

101(b)(2) Chesapeake and Delaware Canal, Maryland and Delaware.—Senate §101(b)(7), no comparable House section—House recedes with an amendment.

101(b)(13) Absecon Island, New Jersey.—House §101(b)(12), no comparable Senate section—Senate recedes.

SEC. 102. SMALL FLOOD CONTROL PROJECTS

House §102(a), no comparable Senate section—Senate recedes with an amendment.

102(1) South Upland, San Bernadino County, California.—House §102(a)(1), no comparable Senate section—Senate recedes.

102(2) Birds, Lawrence County, Illinois.—House §102(a)(2), no comparable Senate section—Senate recedes.

102(3) Bridgeport, Lawrence County, Illinois.—House §102(a)(3), no comparable Senate section—Senate recedes.

102(4) Embarras River, Villa Grove, Illinois.—House §102(a)(4), no comparable Senate section—Senate recedes.

102(5) Frankfort, Will County, Illinois.—House §102(a)(5), no comparable Senate section—Senate recedes.

102(6) Sumner, Lawrence County, Illinois.—House §102(a)(6), no comparable Senate section—Senate recedes.

102(7) Vermillion River, Demonade Park, Lafayette, Louisiana.—House §102(a)(7), no comparable Senate section—Senate recedes.

102(8) Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana.—House §102(a)(8), no comparable Senate section—Senate recedes.

102(9) Kawkawlin River, Bay County, Michigan.—House §102(a)(9), no comparable Senate section—Senate recedes.

102(10) Whitney Drain, Arenac County, Michigan.—House §102(a)(10), no comparable Senate section—Senate recedes.

102(11) Festus and Crystal City, Missouri.—House §102(a)(11), no comparable Senate section—Senate recedes.

102(12) Kimmswick, Missouri.—House §102(a)(12), no comparable Senate section—Senate recedes.

102(13) River Des Peres, St. Louis County, Missouri.—House §102(a)(13), no comparable Senate section—Senate recedes.

102(14) Malta, Montana.—Senate §215, no comparable House section—House recedes with an amendment.

102(15) Buffalo Creek, Erie County, New York.—House §102(a)(14), no comparable Senate section—Senate recedes.

102(16) Cazenovia Creek, Erie County, New York.—House §102(a)(15), no comparable Senate section—Senate recedes.

102(17) Cheektowaga, Erie County, New York.—House §102(a)(16), no comparable Senate section—Senate recedes.

102(18) Fulmer Creek, Village of Mohawk, New York.—House §102(a)(17), no comparable Senate section—Senate recedes.

102(19) Moyer Creek, Village of Frankfort, New York.—House §102(a)(18), no comparable Senate section—Senate recedes.

102(20) Sauquoit Creek, Whitesboro, New York.—House §102(a)(19), no comparable Senate section—Senate recedes.

102(21) Steele Creek, Village of Ilion, New York.—House §102(a)(20), no comparable Senate section—Senate recedes.

102(22) Willamette River, Oregon.—House §102(a)(21), Senate §104(t)—Senate recedes.

SEC. 103. SMALL BANK STABILIZATION PROJECTS

House §103, no comparable Senate section—Senate recedes with an amendment.

103(1) St. Joseph River, Indiana.—House §103(1), no comparable Senate section—Senate recedes with an amendment.

103(2) Allegheny River at Oil City, Pennsylvania.—House §103(2), no comparable Senate section—Senate recedes.

103(3) Cumberland River, Nashville, Tennessee.—House §103(3), no comparable Senate section—Senate recedes.

SEC. 104. SMALL NAVIGATION PROJECTS

House §104, no comparable Senate section—Senate recedes with an amendment.

104(1) Akutan, Alaska.—House §104(1), no comparable Senate section—Senate recedes.

104(2) Illinois and Michigan Canal, Illinois.—House §327, no comparable Senate section—Senate recedes with an amendment.

104(3) Grand Marais Harbor Breakwater, Michigan.—House §104(2), no comparable Senate section—Senate recedes.

104(4) Duluth, Minnesota.—House §104(3), no comparable Senate section—Senate recedes.

104(5) Taconite, Minnesota.—House §104(4), no comparable Senate section—Senate recedes

104(6) Two Harbors, Minnesota.—House §104(5), no comparable Senate section—Senate recedes.

104(7) Caruthersville Harbor, Pemiscot County, Missouri.—House §104(6), no comparable Senate section—Senate recedes.

104(8) New Madrid County Harbor, Missouri.—House §104(7), no comparable Senate section—Senate recedes.

104(9) Brooklyn, New York.—House §104(8), no comparable Senate section—Senate recedes.

104(10) Buffalo Inner Harbor, Buffalo, New York.—House §104(9), Senate §104(o)—Senate recedes with an amendment.

104(11) Glenn Cove Creek, New York.—House §104(10), no comparable Senate section—Senate recedes.

104(12) Union Ship Canal, Buffalo and Lackawanna, New York.—House §104(11), no comparable Senate section—Senate recedes.

SEC.105. SMALL SHORELINE PROTECTION PROJECTS

House §105, no comparable Senate section.

105 Small Shoreline Protection Projects.—House §105(a), no comparable Senate section—Senate recedes with an amendment.

105(1) Fort Pierce, Florida.—House §105(a)(2), no comparable Senate section—Senate recedes.

105(2) Sylvan Beach Breakwater, Verona, Oneida County, New York.—House §105(a)(4), no comparable Senate section—Senate recedes.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA

House §106, no comparable Senate section—Senate recedes with an amendment.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT

House §107, no comparable Senate section—Senate recedes with an amendment.

107(1) Pine Flat Dam, California.—No House comparable section, Senate §312(b)—House recedes with an amendment.

107(2) Upper Truckee River, El Dorado County, California.—House §107(1), no comparable Senate section—Senate recedes.

107(3) Whittier Narrows Dam, California.—House §107(3), no comparable Senate section—Senate recedes.

107(4) Lower Amazon Creek, Oregon.—Senate §312(c), no comparable House section—House recedes with an amendment.

107(5) Ashley Creek, Utah.—House §104(y), no comparable Senate section—House recedes with an amendment.

107(6) Upper Jordan River, Salt Lake County, Utah.—House §107(4), no comparable Senate section—Senate recedes.

TITLE II—GENERAL PROVISIONS

SEC. 201 COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS

House §201, Senate §336—Senate Recedes with an amendment to Subsections (d) and (g).

This section assures a consistent approach to the Federal and non-Federal responsibilities for providing dredged material disposal areas. By requiring the same cost sharing for disposal activities, whether they involve open water discharge or discharge into confined sites or similar methods, non-Federal project sponsors will have greater certainty regarding their cost sharing responsibilities during project development. Importantly, this section will result in benefits to the aquatic environment by reducing inordinate pressure for open water disposal, which may be less costly but may, in some cases, not be preferable from an environmental point of view.

To address situations in which projects involving dredged material disposal facilities could be inadvertently disadvantaged by the provisions of this section, the section includes a provision that assures that no increase in non-Federal costs will result from its application. Among the projects that will not have their non-Federal share increased are the modification or enlargement of existing confined dredged material disposal facilities at Norfolk Harbor, Virginia; Cleveland Harbor, Ohio and Green Bay Harbor, Wisconsin.

SEC. 202 FLOOD CONTROL POLICY

House §202, no comparable Senate section—Senate recedes with an amendment.

The conferees have included several provisions in section 202 which modify the flood control program of the Corps of Engineers, reflecting an evolution in national flood control policy. The conferees have deleted the provision in the House bill to allow additional review of the proposal without prejudice to its substance. The conferees expect the Corps to continue to consider nonstructural alternatives as required by existing law, and encourage the Corps to improve its efforts at considering nonstructural alternatives in its project study and formulation. Such consideration should include watershed management, wetlands restoration, elevation, and relocation. The Corps is also encouraged to explore alternatives which may be implemented by others, beyond the authority of the Corps. Examples of such alternatives include changes in zoning or development patterns by local officials. Because the Corps has no authority to implement such recommendations, such options are generally not explored or displayed in Corps study documents. However, such alternatives could, in some cases, result in a more effective flood protection program at reduced cost to both Federal and non-Federal interests.

Such alternatives are consistent with current approaches to flood control and recent congressional actions related to reducing Federal expenditures for flooding. For example, Congress enacted the Hazard Mitigation and Flood Damage Reduction Act of 1993, in direct response to the disastrous flooding in the Midwest in 1993. This law allows for increased use of relocation in response to flooding. It would be prudent for the Corps to also increase its review of nonstructural alternatives prior to flooding.

The conferees on the part of the House have receded to the Senate and deleted subsection 202(f) of the House bill. Subsection (f) would have amended section 73 of the Water Resources Development Act of 1974 to place a greater emphasis on including proposals for nonstructural alternatives to reduce or prevent flood damages in the surveying, planning or design of projects for flood protection.

202(a) Flood Control Cost Sharing.—House §202, Senate §337—Senate recedes with an amendment.

202(b) Ability to Pay.—House §202(b)—Senate recedes with an amendment.

The continuing problem of non-Federal project sponsors' ability to provide the required cost sharing for flood control projects has been addressed by this legislation. First enacted in the Water Resources Development act (WRDA) of 1986 and modified in WRDAs of 1990 and 1992, the Corps of Engineers has implemented congressional direction concerning ability-to-pay in a manner that has resulted in little assistance to financially distressed communities in need of relief from flooding. Section 202 addresses this problem with specific guidance to the Secretary. It is essential that prudent, yet meaningful ability-to-pay procedures to implemented. This is especially important in light of the increase in the non-Federal share of project costs for future project authorizations that is provided for in section 202. The Secretary's progress in implementing this section.

202(c) Flood Plain Management Plans.—House §202(c), no comparable Senate section—Senate recedes with an amendment.

202(d) Nonstructural Flood Control Policy.—House §202(d), no comparable Senate section—Senate recedes.

202(e) Emergency Response.—House §202(e), no comparable Senate section—Senate recedes.

202(f) Levee Owners Manual.—Senate §316, no comparable House section—House recedes with an amendment.

202(g) Vegetation Management Guidelines.—No comparable House of Senate section.

202(h) Risk-Based Analysis Methodology.—Senate §317, no comparable House section—House recedes with an amendment.

SEC. 203 COST SHARING FOR FEASIBILITY STUDIES

House §203, Senate §314—Senate recedes with an amendment.

This section addresses the chronic problem of excessive, unpredictable cost increases that non-Federal sponsors incur in participating with the Corps in feasibility studies. The provision allows that, except in limited circumstances, study costs in excess of the amount specified in the feasibility cost-sharing agreement may be repaid by the non-Federal study sponsor after the project is authorized for construction. The Corps is expected to improve its procedures for preparing study cost estimates and to work with non-Federal study sponsors as full partners in the development and conduct of studies.

It has been brought to the attention of the conference committee that the Corps is administratively shortening the period allowed for reconnaissance studies and is requiring its field offices to complete such studies for $100,000. While the Corps' desire to expedite the planning process is admirable, it is believed that there are potential shortcomings in this approach. First, it may reduce the amount of information available to potential non-Federal feasibility study sponsors on the likelihood of feasible and acceptable project alternatives. Second, it potentially increases the amount of time, effort and funds that will be required in the cost-shared feasbility study. Third, the policy may not be flexible enough to address those water resources issues that are complex or geographically broad. Implementing any policy that has a high likelihood of increasing non-Federal costs, but whose effect on shortening the overall study process is speculative, would not serve the long-term infrastructure needs of the Nation. The Corps is to address these concerns as it implements the policy.

SEC. 204 RESTORATION OF ENVIRONMENTAL QUALITY

House §204, Senate §312—Senate recedes.

SEC. 205 ENVIRORNMENTAL DREDGING

House §205, Senate §313—Senate recedes with an amendment.

SEC. 206 AQUATIC ESOSYSTEM RESTORATION

House §206, no comparable Senate section—Senate recedes with an amendment.

SEC. 207 BENEFICIAL USES OF DREDGED MATERIAL

House §207, no comparable Senate section—Senate recedes with an amendment.

SEC. 208 RECREATION POLICY AND USER FEES

208(a) Recreation Policy.—House §208(a), no comparable Senate section—Senate recedes.

208(b) User Fees.—House §208(b), Senate §332—House recedes with an amendment.

208(c) Alternative to Annual Passes.—House §505, no comparable Senate section—Senate recedes with an amendment.

SEC. 209 RECOVERY OF COSTS

House §209, Senate §341—Senate recedes.

SEC. 210 COST SHARING FOR ENVIRONMENTAL PROJECTS

House §210, Senate §301—Senate recedes with an amendment.

SEC. 211 CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS

House §211, no comparable Senate section—Senate recedes with an amendment to Subsections (e), (f), and (g).

SEC. 212 ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE

House §212, no comparable Senate section—Senate recedes with an amendment.

213 LEASE AUTHORITY

House §213, no comparable Senate section—Senate recedes.

SEC. 214 COLLABORATIVE RESEARCH AND DEVELOPMENT

House §214, Senate §302—Senate recedes.

SEC. 215 NATIONAL DAM SAFETY PROGRAM

House §215, Senate §303—House recedes with an amendment to Subsections (a), (b) and (c).

This section reflects a comprehensive initiative for improving the safety of the Nation's dams with a flexible, non-regulatory approach to dam safety issues. By providing financial incentives for training, research, and data collection and by facilitating intergovernmental coordination and the exchange of information, state and local governments and non-governmental entities will be better equipped to address dam safety issues. This section does not affect Federal responsibilities relating to the construction or operation of dams, or to the regulation, permitting or licensing of dams, by the Corps of Engineers, the Bureau of Reclamation, the Tennessee Valley Authority, the Federal Energy Regulatory Commission, or other Federal agencies.

SEC. 216 HYDROELECTRIC POWER PROJECT UPRATING

House §216, Senate §304—House recedes.

SEC. 217 DREDGED MATERIAL DISPOSAL FACILITIES PARTNERSHIPS

House §218, no comparable Senate section—Senate recedes with an amendment to Subsection (c).

SEC. 218 OBSTRUCTION REMOVAL REQUIREMENT

House §219, Senate §315—Senate recedes.

SEC. 219 SMALL PROJECT AUTHORIZATIONS

House §220, no comparable Senate section—Senate recedes with an amendment.

SEC. 220 UNECONOMICAL COST-SHARING REQUIREMENTS

House §221, Senate §339—Senate recedes.

SEC. 221 PLANNING ASSISTANCE TO STATES

House §222, Senate §340—Senate recedes.

SEC. 222 CORPS OF ENGINEERS EXPENSES

House §223, Senate §309—Senate recedes.

SEC. 223 STATE AND FEDERAL AGENCY REVIEW PERIOD

House §224, Senate §335—Senate recedes.

SEC. 224 SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT

224(a) In General.—House §225, Senate §338—Senate recedes.

224(b) Modification of Reimbursement Limitation for San Antonio River Authority.—House §574, Senate §338(b)—House recedes.

SEC. 225 MELALEUCA

House §226, Senate §319—House recedes with an amendment.

SEC. 226 SEDIMENTS DECONTAMINATION TECHNOLOGY

House §227, Senate §318—Senate recedes.

SEC. 227 SHORE PROTECTION

House §228, Senate §334—Senate recedes with amendments to Subsections (b) and (c).

This section addresses recent policy decisions made by the Corps to reduce its role in the implementation of projects designed to reduce shoreline erosion damages. Such projects are important to preserving economic vitality of the Nation's coastal areas. These projects provide essential protection against devastating storms and often yield substantial benefits to recreation as well. Shore protection projects are subject to the same technical, environmental and economic analysis as other types of water resources projects. While budget realities are of great concern, the Corps' role in such projects should be arbitrarily end. The Corps is to continue to pursue feasible projects on an equal footing with other water resources projects.

SEC. 228 CONDITIONS FOR PROJECT DEAUTHORIZATIONS

House §229, Senate §208—House recedes with an amendment.

SEC. 229 SUPPORT OF ARMY CIVIL WORKS PROGRAM

House §230, Senate §310—Senate recedes with an amendment.

The conferees on the part of the House have receded to the Senate on House amendment section 581, Huntington, West Virginia. That section would have authorized the Secretary to enter into a cooperative agreement with Marshall University to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences. The new authority for the Secretary contained in section 229, Support of Army Civil Works Program, is sufficient to allow the Secretary to enter into the agreement contemplated by House section 581. Therefore, the Secretary is directed to pursue an appropriate cooperative agreement with Marshall University under section 229 as expeditiously as practicable.

SEC. 230 BENEFITS TO NAVIGATION

House §231, no comparable Section section—Senate recedes.

SEC. 231 LOSS OF LIFE PREVENTION

House §232, no comparable Senate section—Senate recedes with an amendment.

SEC. 232 SCENIC AND AESTHETIC CONSIDERATIONS

House §233, no comparable Senate section—Senate recedes.

SEC. 233 TERMINATION OF TECHNICAL ADVISORY COMMITTEE

House 236, Senate §307—House recedes.

SEC. 234. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY

Senate §311, no comparable House section—House recedes with an amendment.

SEC. 235 SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

House §235, no comparable Senate section—Senate recedes.

SEC. 236 TECHNICAL CORRECTIONS

House §237, Senate §347—House recedes.

SEC. 237 HOPPER DREDGES

House §517, no comparable Senate section—Senate recedes with an amendment.

This section would establish a program to increase the Corps use of private dredging equipment by placing the federal dredge *Wheeler* in a ready reserve status. In implementing the program, the Secretary would be required to develop and implement procedures to ensure that private hopper dredging capacity is available to meet routine and time-sensitive dredging needs. Although the managers expect the private dredging industry to be able to meet many navigation needs, because the *Wheeler* will be in ready reserve status, the procedures should allow for the *Wheeler* to be placed into service within a few days of a need arising. Should an emergency situation arise in any region, the program would allow for the *Wheeler* to be transferred from ready reserve status and to be placed into service in a few days, rather than waiting for as much as two weeks, or longer, for one of the remaining Federal dredges to be transferred to the area.

The Secretary would evaluate the results of the program periodically by reporting to the appropriate Congressional Committees on the impact of the program on private industry and Corps hopper dredge costs, responsiveness, and capacity.

Over the past ten years, the port communities in the Pacific Northwest and the Middle Atlantic have been heavily dependent on the Corps hopper dredges, the *Yaquina*, the *Essayons*, and the *McFarland*, respectively. These vessels are being used to meet the navigation dredging needs of their respective areas. As a consequence, these port communities have expressed concern that the implementation of a program to increase the reliance on private industry dredges could have an adverse effect on navigation. To reassure these areas, the managers have included language directing the Secretary not to reduce the availability and utilization of Federal hopper dredge vessels on the Pacific and Atlantic coasts of the United States to meet the navigation dredging needs.

TITLE III—PROJECT RELATED PROVISIONS

SEC. 301 PROJECT MODIFICATIONS

Sec. 301(a) Projects with reports

301(a)(1) San Francisco River at Clifton, Arizona.—House §305, Senate §102(b)—Senate recedes.

301(a)(2) Oakland Harbor, California.—House §309, Senate §102(d)—Senate recedes with an amendment.

301(a)(3) San Luis Rey, California.—House §311, no comparable Senate section—Senate recedes.

301(a)(4) Potomac River, Washington, District of Columbia.—House §313, no comparable Senate section—Senate recedes.

301(a)(5) North Branch of Chicago River, Illinois.—House §326, Senate §102(i)—Senate recedes with an amendment.

301(a)(6) Halstead, Kansas.—House §328, Senate §102(j)—Senate recedes.

301(a)(7) Cape Girardeau, Missouri.—House §342, Senate §102(r)—Senate recedes with an amendment.

301(a)(8) Molly Ann's Brook, New Jersey.—House §346, no comparable Senate section—Senate recedes.

301(a)(9) Ramapo River at Oakland, New Jersey.—House §348, no comparable Senate section—Senate recedes.

301(a)(10) Wilmington Harbor—Northeast Cape Fear River, North Carolina.—House §353, Senate §102(v)—Senate recedes.

301(a)(11) Saw Mill Run, Pennsylvania.—House §362, Senate §102(z)—Senate recedes.

301(a)(12) San Juan Harbor, Puerto Rico.—House §366, no comparable Senate section—Senate recedes.

301(a)(13) India Point Railroad Bridge, Seekonk River, Providence, Rhode Island.—Senate §102(cc), no comparable House section—House recedes.

301(a)(14) Upper Jordan River, Utah.—House §370, Senate §102(gg)—House recedes.

301(b) Projects subject to reports

301(b)(1) Alamo Dam, Arizona.—House §302, no comparable Senate section—Senate recedes.

301(b)(2) Phoenix, Arizona.—House §304, no comparable Senate section—Senate recedes with an amendment.

301(b)(3) Glenn-Colusa, California.—House §307, no comparable Senate section—Senate recedes.

301(b)(4) Rybee Island, Georgia.—House §320, no comparable Senate section—Senate recedes with an amendment.

301(b)(5) Comite River, Louisiana.—House §331, Senate §102(l)—Senate recedes.

301(b)(6) Grand Isle and Vicinity, Louisiana.—House §332, no comparable Senate section—Senate recedes with an amendment.

301(b)(7) Red River Waterway, Louisiana.—House §336, no comparable Senate section—Senate recedes.

301(b)(8) Red River Waterway, Mississippi River to Shreveport, Louisiana.—Senate §102, no comparable House section—House recedes.

301(b)(9) Stillwater, Minnesota.—House §341, Senate §102(q)—Senate recedes with an amendment.

The conference agreement includes language which will allow for the expansion of the ongoing flood protection project in Stillwater, Minnesota. The non-Federal sponsor has expressed concerns that the expansion of the project, and the need for the Corps to conduct an analysis of the expanded project, could cause a delay in implementing the previously authorized work. Unnecessary delay in the previously authorized work is not intended. The Secretary is directed to continue

expeditiously in the implementation of the previously authorized work during the analysis related to the expanded project.

301(b)(10) Joseph G. Minish Passaic River Park, New Jersey.—House §345, Senate §102(t)—Senate recedes with an amendment.

301(b)(11) Arthur Kill, New York and New Jersey.—House §350, no comparable Senate section—Senate recedes.

301(b)(12) Kill Van Kull, New York and New Jersey.—House §352, Senate §104(r).

301(b)(12)(A) Cost Increases.—Senate recedes.

301(b)(12)(B) Continuation of Engineering and Design.—House recedes with an amendment.

SEC. 302 MOBILE HARBOR, ALABAMA

House §301, Senate §102(a)—Senate recedes.

SEC. 303 NOGALES WASH AND TRIBUTARIES, ARIZONA

House §303, no comparable Senate section—Senate recedes.

SEC. 304 WHITE RIVER BASIN, ARKANSAS AND MISSOURI

Senate §204, no comparable House section—House recedes.

SEC. 305 CHANNEL ISLANDS HARBOR, CALIFORNIA

House §306, no comparable Senate section—Senate recedes with an amendment.

SEC. 306 LAKE ELSINORE, CALIFORNIA

House §102(b)(1), Senate §104(c)—Senate recedes with an amendment.

SEC. 307 LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

House §308, Senate §102(c)—House recedes with an amendment.

SEC. 308 LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA

House §532, no comparable Senate section—Senate recedes.

SEC. 309 PRADO DAM, CALIFORNIA

House §587, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (b) and (c).

SEC. 310 QUEENSWAY BAY, CALIFORNIA

House §310, no comparable Senate section—Senate recedes with an amendment.

SEC. 311 SEVEN OAKS DAM, CALIFORNIA

House §534, no comparable Senate section—Senate recedes.

SEC. 312 THAMES RIVER, CONNECTICUT

House §312, Senate §103(g)—House recedes with an amendment to Subsections (b) and (c).

SEC. 313 CANAVERAL HARBOR, FLORIDA

House §314, Senate §101(f)—Senate recedes.

SEC. 314 CAPTIVA ISLAND, FLORIDA

House §315, no comparable Senate section—Senate recedes.

SEC. 315 CENTRAL AND SOUTHERN FLORIDA, CANAL 51

House §316, Senate §206—Senate recedes.

This section modifies the project for flood control for West Palm Beach Canal (Canal 51) to include authority for an enlarged storm water retention area and additional work at Federal expense, in accordance with the Everglades Protection Project. This project is essential to the overall Everglades restoration project because it will allow for a greater availability of fresh water to one of the most degraded portions of the Everglades.

In carrying out the activities authorized under this section, the Secretary of the Army is to work with the South Florida Water Management District and the Indian Trail Water Control District to resolve the issue of flood control in a financially equitable manner consistent with each agency's statutory authority.

SEC. 316 CENTRAL AND SOUTHERN FLORIDA, CANAL 111

House §317, Senate §205–Senate recedes.

SEC. 317 JACKSONVILLE HARBOR (MILL COVE), FLORIDA

House §318, no comparable Senate section—Senate recedes with an amendment.

SEC. 318 PANAMA CITY BEACHES, FLORIDA

House §319, no comparable Senate section—Senate recedes with an amendment to Subsection (b).

SEC. 319 CHICAGO, ILLINOIS

House §322, no comparable Senate section—Senate recedes.

SEC. 320 CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS

House §323, no comparable Senate section—Senate recedes.

SEC. 321 KASKASKIA RIVER, ILLINOIS

House §324, no comparable Senate section—Senate recedes.

SEC. 322 LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI

House §325, no comparable Senate section—Senate recedes.

SEC. 323 WHITE RIVER, INDIANA

House §321, no comparable Senate section—Senate recedes.

SEC. 324 BAPTISTE COLLETTE BAYOU, LOUISIANA

House §335, Senate §102(k)—House recedes.

SEC. 325 LAKE PONTCHARTRAIN, LOUISANA

House §333, no comparable Senate section—Senate recedes.

SEC. 326 MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA

Senate §209, no comparable House section—Senate recedes.

SEC. 327 TOLCHESTER CHANNEL, MARYLAND

House §338, Senate §102(p)—Senate recedes.

SEC. 328 CROSS VILLAGE HARBOR, MICHIGAN

House §503(a)(2), no comparable Senate section—Senate recedes with an amendment.

SEC. 329 SAGINAW RIVER, MICHIGAN

House §339, no comparable Senate section—Senate recedes.

SEC. 330 SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN

House §340, no comparable Senate section—Senate recedes.

This section modifies the project for navigation at Sault Sainte Marie, Michigan, to require that portion of the non-Federal share which the Secretary determines is attributable to the use of the lock by vessels calling at Canadian ports be paid by the United States. Appropriate and necessary action by the U.S. government to pursue reimbursement from Canada is strongly urged. The remaining portion of the non-Federal share shall be paid by the Great Lakes states pursuant to an agreement which they enter into with each other. The repayment of the non-Federal project cost is to be repaid over 50 years or the expected life of the project, whichever is shorter.

SEC. 331 ST. JOHNS BAYOU-NEW MADRID FLOODWAY, MISSOURI

House §344, no comparable Senate section—Senate recedes.

SEC. 332 LOST CREEK, COLUMBUS, NEBRASKA

House §102(b)(2), no comparable Senate section—Senate recedes with an amendment.

SEC. 333 PASSAIC RIVER, NEW JERSEY

House §347, no comparable Senate section—Senate recedes.

SEC. 334 ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO

Senate §102(u), no comparable House section—House recedes with an amendment.

SEC. 335 JONES INLET, NEW YORK

House §351, no comparable Senate section—Senate recedes with an amendment.

SEC. 336 BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA

House §354, Senate §219—House recedes with an amendment.

SEC. 337 RENO BEACH-HOWARDS FARM, OHIO

House §355, no comparable Senate section—Senate recedes.

SEC. 338 BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA

Senate §102(w), no comparable House section—House recedes with an amendment.

SEC. 339 WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA

House §356, Senate §221—House recedes.

SEC. 340 BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON

House §357, Senate §342—Senate recedes.

SEC. 341 COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON

House §358, Senate §102(x)—Senate recedes.

SEC. 342 LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA

House §360, Senate §104(u)—Senate recedes with an amendment.

SEC. 343 MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA

House §361, no comparable Senate section—Senate recedes.

SEC. 344 SCHUYLKILL RIVER, PENNSYLVANIA

House §363, no comparble Senate section—Senate recedes.

SEC. 345 SOUTH CENTRAL PENNSYLVANIA

House §364, no comparable Senate section—Senate recedes with an amendment.

SEC. 346 WYOMING VALLEY, PENNSYLVANIA

House §365, Senate §102(aa)—House recedes.

SEC. 347 ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND

Senate §102(bb), no comparable House section—House recedes.

SEC. 348 NARRAGANSETT, RHODE ISLAND

House §367, Senate §223—Senate recedes.

SEC. 349 CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA

House §368, Senate §327—House recedes with an amendment.

SEC. 350 BUFFALO BAYOU, TEXAS

House §573, no comparable Senate section—Senate recedes with an amendment.

SEC. 351 DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS

House §369, Senate §102(ee)—Senate recedes with an amendment.

SEC. 352 GRUNDY, VIRGINIA

Senate §102(hh), no comparable House section—House recedes.

SEC. 353 HAYSI LAKE, VIRGINIA

House §371, Senate §102(jj)—Senate recedes.

SEC. 354 RUDEE INLET, VIRGINIA BEACH, VIRGINIA

House §372, sSenate §226—Senate recedes.

SEC. 355 VIRGINIA BEACH, VIRGINIA

House §373, Senate §227—House recedes.

SEC. 356 EAST WATERWAY, WASHINGTON

House §374, no comparable Senate section—Senate recedes.

SEC. 357 BLUESTONE LAKE, WEST VIRGINIA

House §375, no comparable Senate section—Senate recedes.

SEC. 358 MOOREFIELD, WEST VIRGINIA

House §376, no comparable Senate section—Senate recedes with an amendment.

SEC. 359 SOUTHERN WEST VIRGINIA

House §377, no comparable Senate section—Senate recedes with an amendment.

SEC. 360 WEST VIRGINIA TRAILHEAD FACILITIES

House §378, no comparable Senate section—Senate recedes with an amendment.

SEC. 361 KICKAPOO RIVER, WISCONSIN

House §379, Senate §103(p)—Senate recedes with an amendment to subsections (b), (c), and (d).

SEC. 362 TETON COUNTY, WYOMING

House §380, Senate §102(kk)—Senate recedes.

SEC. 363 PROJECT REAUTHORIZATIONS

363(a) Grand Prairie Region and Bayou Meto Basin, Arkansas.—House §502(a), Senate §201—Senate recedes with an amendment.

363(b) White River, Arkansas.—House §502(b), no comparable Senate section—Senate recedes.

363(c) Des Plaines River, Illinois.—House §502(c), no comparable Senate section—Senate recedes.

363(d) Alpena Harbor, Michigan.—House §502(d), no comparable Senate section—Senate recedes.

363(e) Ontonagon Harbor, Ontonagon County, Michigan—House §502(e), no comparable Senate section—Senate recedes.

363(f) Knife River Harbor, Minnesota.—House §502(f), no comparable Senate section—Senate recedes.

363(g) Cliffwood Beach, New Jersey.—House §502(g), Senate §216—Senate recedes.

SEC. 364 PROJECT DEAUTHORIZATIONS

364(1) Branford Harbor, Connecticut.—House §501(1), Senate 103(a)—House recedes.

364(2) Bridgeport Harbor, Connecticut.—House §501(2), Senate 103(b)—House recedes.

364(3) Guilford Harbor, Connecticut.—House §501(3), Senate 103(c)—House recedes.

364(4) Mystic River, Connecticut.—House §501(5), no comparable Senate section—Senate recedes.

364(5) Norwalk Harbor, Connecticut.—House §501(b), Senate §103(d)—House recedes.

364(6) Patchogue River, Westbrook, Connecticut.—No comparable House or Senate section.

364(7) Southport Harbor, Connecticut.—House §501(7), Senate §103(e)—House recedes.

364(8) Stony Creek, Connecticut.—House §501(8), Senate §103(f)—House recedes.

364(9) East Boothbay Harbor, Maine.—Senate §103(h), no comparable House section—House recedes.

364(10) Kennebunk River, Maine.—House §501(9), no comparable Senate section—Senate recedes.

364(11) York Harbor, Maine.—House §501(10), Senate §103(i)—House recedes.

364(12) Chelsea River, Boston Harbor, Massachusetts.—House §501(11), no comparable Senate section—Senate recedes.

364(13) Cohasset Harbor, Massachusetts.—House §501(12), Senate §103(j)—House recedes.

364(14) Falmouth, Massachusetts.—House §501(13), no comparable House section—House recedes.

364(15) Mystic River, Massachusetts.—House §501(14), Senate section—Senate recedes.

364(16) Reserved Channel, Boston, Massachusetts.—House §501(15), no comparable Senate section—Senate recedes.

364(17) Weymouth-Fore and Town Rivers, Massachusetts.—House §501(16), no comparable Senate section—Senate recedes.

364(18) Cocheco River, New Hampshire.—House §501(17), Senate §103(l)—House recedes.

364(19) Morristown Harbor, New York.—House §501(18), Senate §103(m)—House recedes.

364(20) Oswegatchie River, Ogdensburg, New York.—House §501(19), Senate §103(n)—Senate recedes.

364(21) Conneaut Harbor, Ohio.—House §501(20), no comparable Senate section—Senate recedes.

364(22) Lorain Small Boat Basin, Lake Erie, Ohio.—House §501(21), no comparable Senate section—Senate recedes.

364(23) Apponaug Cove, Rhode Island.—House §501(22), Senate §103(o)—House recedes.

364(24) Port Washington Harbor, Wisconsin.—House §501(23), no comparable Senate section—Senate recedes.

SEC. 365 MISSISSIPPI DELTA REGION, LOUISIANA

House §334, no comparable Senate section—Senate recedes with an amendment.

SEC. 366 MONONGAHELA RIVER, PENNSYLVANIA

No comparable House or Senate section.

TITLE IV—STUDIES

SEC. 401 CORPS CAPABILITY STUDY, ALASKA

House §401, no comparable Senate section—Senate recedes with an amendment.

SEC. 402 RED RIVER, ARKANSAS

Senate §104(a), no comparable House section—House recedes with an amendment.

SEC. 403 MCDOWELL MOUNTAIN, ARIZONA

House §402, no comparable Senate section—Senate recedes.

SEC. 404 NOGALES WASH AND TRIBUTARIES, ARIZONA

House §403, no comparable Senate section—Senate recedes.

SEC. 405 GARDEN GROVE, CALIFORNIA

House §404, no comparable Senate section—Senate recedes.

SEC. 406 MUGU LAGOON, CALIFORNIA

House §405, no comparable Senate section—Senate recedes.

SEC. 407 MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA

Senate §104(f), no comparable House section—House recedes.

SEC. 408 PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA

Senate §104(g), no comparable House section—House recedes with an amendment.

SEC. 409 SANTA YNEZ, CALIFORNIA

House §406, no comparable Senate section—Senate recedes.

SEC. 410 SOUTHERN CALIFORNIA INFRASTRUCTURE

House §407, no comparable Senate section—Senate recedes with an amendment.

SEC. 411 STOCKTON, CALIFORNIA

411(a) Bear Creek Drainage and Mormon Slough/Calaveras River.—Senate §104(b) and (c), no comparable House section—House recedes with an amendment.

411(b) Farmington Dam, California.—House §531, no comparable Senate section—Senate recedes with an amendment.

SEC. 412 YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA

House §408, no comparable Senate section—Senate recedes.

SEC. 413 WEST DADE, FLORIDA

Senate §104(h), no comparable House section—House recedes with an amendment.

SEC. 414 SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY

Senate §104(i), no comparable House section—House recedes with an amendment.

SEC. 415 CHAIN OF ROCKS CANAL, ILLINOIS

House §409, no comparable Senate section—Senate recedes with an amendment.

SEC. 416 QUINCY, ILLINOIS

House §410, no comparable Senate section—Senate recedes with an amendment.

SEC. 417 SPRINGFIELD, ILLINOIS

House §411, no comparable Senate section—Senate recedes with an amendment.

SEC. 418 BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA

House §412, no comparable Senate section—Senate recedes.

SEC. 419 GRAND CALUMET RIVER, HAMMOND, INDIANA

House §413, no comparable Senate section—Senate recedes.

SEC. 420 INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA

House §414, no comparable Senate section—Senate recedes.

SEC. 421 KOONTZ LAKE, INDIANA

House §415, no comparable Senate section—Senate recedes.

SEC. 422 LITTLE CALUMET RIVER, INDIANA

House §416, no comparable Senate section—Senate recedes.

SEC. 423 TIPPECANOE RIVER WATERSHED, INDIANA

House §417, no comparable Senate section—Senate recedes.

SEC. 424 CALCASIEU RIVER, HACKBERRY, LOUISIANA

House §418, Senate §104(k)—House recedes with an amendment.

SEC. 425 MORGANZA, LOUISIANA, TO GULF OF MEXICO

House §388, Senate §104(bb)—House recedes.

SEC. 426 HURON RIVER, MICHIGAN

House §419, no comparable Senate section—Senate recedes with an amendment.

SEC. 427 CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA

Senate §104(l), no comparable House section—House recedes.

SEC. 428 LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA

Senate §104(m), no comparable House section—House recedes with an amendment.

SEC. 429 NORTHERN NEVADA

Senate §104(n), no comparable House section—House recedes.

SEC. 430 SACO RIVER, NEW HAMPSHIRE

House §420, no comparable Senate section—Senate recedes.

SEC. 431 BUFFALO RIVER GREENWAY, NEW YORK

House §421, no comparable Senate section—Senate recedes with an amendment.

SEC. 432 COEYMANS, NEW YORK

Senate §104(p), no comparable House section—House recedes.

SEC. 433 NEW YORK BIGHT AND HARBOR STUDY

House §556, no comparable Senate section—Senate recedes with an amendment.

SEC. 434 PORT OF NEWBURGH, NEW YORK

House §422, no comparable Senate section—Senate recedes.

SEC. 435 PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY

House §424, no comparable Senate section—Senate recedes.

SEC. 436 SHINNECOCK INLET, NEW YORK

Senate §104(q), no comparable House section—House recedes with an amendment.

SEC. 437 CHAGRIN RIVER, OHIO

House §425, no comparable Senate section—Senate recedes.

SEC. 438 CUYAHOGA RIVER, OHIO

House §426, no comparable Senate section—Senate recedes.

SEC. 439 COLUMBIA SLOUGH, OREGON

Senate §104(s), no comparable House section—House recedes with an amendment.

SEC. 440 CHARLESTON, SOUTH CAROLINA

House §427, Senate §104(v)—House recedes.

SEC. 441 OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA

Senate §104(w), no comparable House section—House recedes with an amendment.

SEC. 442 MUSTANG ISLAND, CORPUS CHRISTI, TEXAS

House §428, Senate §104(x)—Senate recedes.

SEC. 443 PRINCE WILLIAM COUNTY, VIRGINIA

House §429, Senate §104(z)—Senate recedes.

SEC. 444 PACIFIC REGION

House §430, Senate §104(aa)—Senate recedes with an amendment.

SEC. 445 FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS

House §431, no comparable Senate section—Senate recedes with an amendment.

SEC. 446 EVALUATION OF BEACH MATERIAL

House §584, no comparable Senate section—Senate recedes with an amendment.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501 LAND CONVEYANCES

501(a) Village Creek, Alabama.—No comparable House or Senate section.

501(b) Oakland Inner Harbor Tidal Canal Property, California.—House §504(a), no comparable Senate section—Senate recedes with an amendment.

501(c) Mariemont, Ohio.—House §504(b), no comparable Senate section—Senate recedes with an amendment.

501(d) Pike Island Locks and Dam, Ohio.—No comparable House or Senate section.

501(e) Shenango River Lake Project, Ohio.—No comparable House or Senate section.

501(f) Eufaula Lake, Oklahoma.—House §504(c), no comparable Senate section—Senate recedes.

501(g) Boardman, Oregon.—House §504(d), no comparable Senate section—Senate recedes.

501(h) Benbrook Lake, Texas.—No comparable House or Senate section.

501(i) Tri-Cities Area, Washington.—House §504(e), Senate §344—Senate recedes with an amendment.

SEC. 502 NAMINGS

502(a) Milt Brandt Visitors Center, California.—House §505(a), no comparable Senate section—Senate recedes.

502(b) Carr Creek Lake, Kentucky.—House §502(b), no comparable Senate section—Senate recedes.

502(c) John T. Myers Lock and Dam, Indiana and Kentucky.—House §505(d), no comparable Senate section—Senate recedes.

502(d) J. Edward Rousch Lake, Indiana.—House §505(e), no comparable Senate section—Senate recedes.

502(e) Russell B. Long Lock and Dam, Red River Waterway, Louisiana.—House §505(f), Senate §321—Senate recedes.

502(f) Locks and Dams on Tennesee—Tombigbee Waterway—House §505(h), Senate §345—House recedes with an amendment.

SEC. 503 WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT

House §506, no comparable Senate section—Senate recedes with an amendment to Subsections (a)(d) and (e).

SEC. 504 ENVIRONMENTAL INFRASTRUCTURE

House §517, no comparable House section—Senate recedes.

SEC. 505 CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE

House §518, no comparable House section—Senate recedes with an amendment.

SEC. 506 PERIODIC BEACH NOURISHMENT

House §519, no comparable House section—Senate recedes.

506(a)(1) Broward County, Florida—House §519(1), Senate §102(e)—Senate recedes.

506(a)(2) Fort Pierce, Florida—House §519(2), Senate §102(g)—Senate recedes.

506(a)(3) Panama City Beaches, Florida—House §519(5), no comparable Senate §102(e)—Senate recedes.

506(a)(4) Tybee Island, Georgia—House §519(6), Senate §102(h)—Senate recedes.

506(b)(3)(A) Lee County, Florida—House §519(3) no comparable Senate section—Senate recedes with an amendment.

506(b)(3)(B) Palm Beach County, Florida—House §519(4), no comparable Senate section—Senate recedes with an amendment.

506(b)(3)(C) Raritan Bay and Sandy Hook Bay, New Jersey—House §349, no comparable Senate section—Senate recedes with an amendment.

506(b)(3)(D) Fire Island Inlet, New York—Senate §217, no comparable House section—Senate recedes with an amendment.

SEC. 507 DESIGN AND CONSTRUCTION ASSISTANCE

House §522, no comparable Senate section—Senate recedes with an amendment.

SEC. 508 LAKES PROGRAM

House §507, no comparable Senate section—Senate recedes.

SEC. 509 MAINTENANCE OF NAVIGATION CHANNELS

House §508, no comparable Senate section—Senate recedes with an amendment.

509(1) Humboldt Harbor and Bay, Fields Landing Channel, California—House §508(1), no comparable Senate section—Senate recedes.

509(2) Mare Island Strait, California—House §508(2), no comparable Senate section—Senate recedes with an amendment.

509(3) East Fork, Calcasieu Pass, Louisiana—No comparable House or Senate section.

509(4) Mississippi River Ship Channel, Chalmette Slip, Louisiana—House §508(3), Senate §102(m)—Senate recedes.

509(5) Greenville Inner Harbor Channel, Mississippi—House §508(4), Senate §211—Senate recedes.

509(6) New Madrid Harbor, Missouri—House §343, no comparable Senate section—Senate recedes with an amendment.

509(7) Providence Harbor Shipping Channel, Rhode Island—House §508(5), Senate §224—Senate recedes with an amendment.

509(8) Matagorda Ship Channel, Point Comfort Turning Basin, Texas—House §508(6), Senate §102(ff)—Senate recedes.

509(9) Corpus Christi Ship Channel, Rincon Canal System, Texas—House §508(7), Senate §102(dd)—Senate recedes.

509(10) Brazos Island Harbor, Texas—House §508(8), no comparable Senate section—Senate recedes.

509(11) Blair Waterway, Tacoma Harbor, Washington—House §508(9), no comparable Senate section—Senate recedes.

SEC. 510 CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM

House §513, Senate §330—House recedes with an amendment.

SEC. 511 RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL

Senate §331, no comparable House section—House recedes.

SEC. 512 COLUMBIA RIVER TREATY FISHING ACCESS

Senate §343, no comparable House section—House recedes.

SEC. 513 GREAT LAKES CONFINED DISPOSAL FACILITIES

House §512, no comparable Senate section—Senate recedes with an amendment.

SEC. 514 GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL

House §510, no comparable Senate section—Senate recedes.

SEC. 515 GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION

House §509, no comparable Senate section—Senate recedes with an amendment.

SEC. 516 SEDIMENT MANAGEMENT

House §217, §423 and §511, no comparable Senate section—Senate recedes with an amendment.

The House bill included three sections which addressed sediment management issues in differing ways—Section 217: Long-term Sediment Management Strategies; Section 423: Port of New York-New Jersey Sediment Study; and, Section 511: Great Lakes Sediment Reduction. The conference agreement combines these three sections into new section 516. In combining these sections, the managers have sought to avoid duplication in the provisions, but not to reduce the effectiveness of the provisions.

This section does not confer to or imply any new regulatory authority of the Corps of Engineers, the Environmental Protection Agency, or any other agency.

SEC. 517 EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION,

House §514, Senate §322—Senate recedes.

SEC. 518 SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS

House §586, no comparable Senate section—Senate recedes.

SEC. 519 RECREATION PARTNERSHIP INITIATIVE

House §516, no comparable Senate section—Senate recedes with an amendment.

SEC. 520 FIELD OFFICE HEADQUARTERS FACILITIES

House §523, no comparable Senate section—Senate recedes.

SEC. 521 EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXPANSION

House §527, no comparable Senate section—Senate recedes with an amendment.

SEC. 522 JACKSON COUNTY, ALABAMA

House §526, no comparable Senate section—Senate recedes with an amendment.

SEC. 523 BENTON AND WASHINGTON COUNTIES, ARKANSAS

House §529, no comparable Senate section—Senate recedes.

SEC. 524 HEBER SPRINGS, ARKANSAS

Senate §202, no comparable House section—House recedes.

SEC. 525 MORGAN POINT, ARKANSAS

Senate §203, no comparable House section—House recedes with an amendment.

SEC. 526 CALAVERAS COUNTY, CALIFORNIA

House §530, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (c), (d) and (e).

This provision does not authorize direct participation by the Corps of Engineers in the construction of projects to address water quality degradation cause by abandoned mines in the watershed of the lower Mokelume River.

SEC. 527 FAULKNER ISLAND'S, MARYLAND

House §105(a)(1), Senate §320—House recedes.

SEC. 528 EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION

Senate §207, no comparable House section—House recedes with an amendment.

This section, and related sections authorizing Canal 51 and Canal 111 activities, authorizes the restoration, preservation, and protection of the South Florida ecosystem. The provision requires the Secretary, in consultation with the South Florida Ecosystem Restoration Task Force (Task Force), to develop a comprehensive plan involving Army Corps water resources projects for the purpose of Everglades restoration.

Successful collaboration among the Army, other Federal agencies, the State of Florida, and Indian tribes has occurred in recent years on this effort and is expected to continue after the date of enactment of this Act. To ensure successful implementation of the restoration effort, the Secretary is urged to involve the Task Force and the South Florida Water Management District in the development of the Comprehensive Plan.

This section clarifies that the Central and Southern Florida Project, as authorized in Section 203 of the Flood Control Act of 1948 (62 Stat. 1176) must incorporate features to provide for the protection of water quality as a means of achieving the original project purpose of preservation of fish and wildlife resources. The Secretary is authorized to develop specific water quality related project features which are essential to Everglades restoration. In such cases, the provision authorizes Federal funding at a level not to exceed fifty percent of the overall project costs.

This section authorizes an appropriation of $75 million over three fiscal years for the construction of projects determined by the Secretary to be critical to the restoration of the Everglades. The Secretary shall not expend more than $25 million for any one project under this authority. In carrying out the authority provided by this section, the Secretary shall give priority to the following five projects or studies: (1) Levee 28 modifications; (2) Florida Keys carrying capacity; (3) melaleuca control in the Everglades Restoration Area; (4) East Coast Canal Divide Structures; and (5) Tamiami Trail Culverts.

Customary and traditional uses of affected public lands, including access and transportation, shall continue to be permitted where appropriate, and in accordance with management plans of the respective Federal and State management agencies.

Over the past decades, various State and local governments have developed land use plans within the boundaries of the Everglades Restoration Area. The Secretary is directed to take these efforts into consideration as the Comprehensive Plan is developed. In addition, the Legislature of the State of Florida has recognized the importance of the Lake Belt Area of Dade County for the provision of a long-term domestic supply of aggregates, cement, and road base material. The Secretary is directed to take into consideration the Lake Belt Plan and its objectives, as defined by the State Legislature, during development of the Comprehensive Plan.

In carrying out the activities authorized by this section, the Secretary is directed, to the extent feasible and appropriate, to integrate previously authorized restoration activities. In doing so, the Secretary shall employ sound scientific principles while seeking innovative and adaptive methods of management.

The Secretary has appropriately sought consensus at the Federal, State and local levels in developing proposed project modifications for Canal 51 and Canal 111. The Secretary is directed to continue such solicitation for comment and consensus among interested and affected parties before proceeding to the design and implementation of project modifications authorized in this section.

This section clarifies that the Federal cost-sharing does not apply to water quality features constructed pursuant to the settlement agreement in *United States* v. *South Florida Water Management District*, No. 88–1886-Civ-Hoeveler (S.D.Fla.). Further, it is not intended that Federal cost-sharing apply to the water quality features required under the appendices of the settlement agreement. Nothing included in this section is meant to interfere with or supersede any pending or future judicial proceedings or agreements related to these features.

Recognizing the comprehensive program authorized by this section and the substantial Federal and non-Federal financial commitment it authorizes, it is expected that the Secretary be judicious in making commitments regarding use of the Secretary's other environmental authorities in this area. Such authorities include the ''1135'' program and the new aquatic ecosystem restoration program established in this legislation. These programs are intended to address environmental improvement projects nationwide and should not be used to supplement the projects and activities authorized by this section.

SEC. 529 TAMPA, FLORIDA

House §536, no comparable Senate section—Senate recedes.

SEC. 530 WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA

House §537, no comparable Senate section—Senate recedes.

SEC. 531 SOUTHERN AND EASTERN KENTUCKY

House §538, no comparable Senate section—Senate recedes with an amendment.

SEC. 532 COASTAL WETLANDS RESTORATION PROJECTS, LOUISIANA

House §539, no comparable Senate section—Senate recedes with an amendment.

SEC. 533 SOUTHEAST LOUISIANA

House §540, no comparable Senate section—Senate recedes with an amendment to subsections (b) and (d).

SEC. 534 ASSATEAGUE ISLAND, MARYLAND AND VIRGINIA

House §108, no comparable Senate section—Senate recedes with an amendment.

SEC. 535 CUMBERLAND, MARYLAND

House §542, no comparable Senate section—Senate recedes with an amendment.

SEC. 536 WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND

Senate §323, no comparable House section—House recedes with an amendment.

SEC. 537 POPLAR ISLAND, MARYLAND

House §543, Senate §102(b)—House recedes with an amendment.

SEC. 538 EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND

House §544, no comparable Senate section—Senate recedes.

SEC. 539. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA

House §541, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (b), (c) and (d).

This provision does not authorize direct participation by the Corps of Engineers in the construction of projects to address water quality degradation caused by abandoned mines in the watersheds of the North Branch of the Potomac River, or the New River.

SEC. 540 CONTROL OF AQUATIC PLANTS, MICHIGAN, PENNSYLVANIA, VIRGINIA AND NORTH CAROLINA

House §520, Senate §328—Senate Recedes with an amendment.

SEC. 541 DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT

House §545, no comparable Senate section—Senate recedes with an amendment to Subsections (a) and (b).

SEC. 542 LAKE SUPERIOR CENTER, MINNESOTA

House §525, no comparable Senate section—Senate recedes.

SEC. 543 REDWOOD RIVER BASIN, MINNESOTA

House §546, no comparable Senate section—Senate recedes with an amendment.

SEC. 544 COLDWATER RIVER WATERSHED, MISSISSIPPI

Senate §210, no comparable House section—House recedes with an amendment.

SEC. 545 NATCHEZ BLUFFS, MISSISSIPPI

House §547, Senate §102(a)—House recedes with an amendment.

SEC. 546 SARDIS LAKE, MISSISSIPPI

House §548, Senate §212—Senate recedes.

SEC. 547 ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION

House §550, no comparable Senate section—Senate recedes with an amendment to Subsection (b).

SEC. 548 ST. LOUIS, MISSOURI

House §524, no comparable Senate section—Senate recedes with an amendment.

SEC. 549 LIBBY DAM, MONTANA

Senate §214, no comparable House section—House recedes.

SEC. 550 HACKENSACK MEADOWLANDS AREA, NEW JERSEY

House §552, no comparable Senate section—Senate recedes.

SEC. 551 HUDSON RIVER HABITAT RESTORATION, NEW YORK

House §554, no comparable Senate section—Senate recedes with an amendment.

SEC. 552 NEW YORK CITY WATERSHED

House §558, no comparable section—Senate recedes with an amendment to Subsections (a), (c), (e) and (i).

SEC. 553 NEW YORK STATE CANAL SYSTEM

House §557, Senate §325—Senate recedes with an amendment.

SEC. 554 ORCHARD BEACH, BRONX, NEW YORK

House §105(3), no comparable Senate section—Senate recedes with an amendment.

SEC. 555 DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK/NEW JERSEY

House §553, no comparable Senate section—Senate recedes with an amendment to Subsection (b).

SEC. 556. QUEENS COUNTY, NEW YORK

House §555, Senate §218—House recedes.

SEC. 557 JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA

Senate §220, no comparable House section—House recedes.

SEC. 558 NORTHEASTERN OHIO

House §560, no comparable Senate section—Senate recedes with an amendment.

SEC. 559 OHIO RIVER GREENWAY

House §559, no comparable Senate section—Senate recedes.

SEC. 560 GRAND LAKE, OKLAHOMA

House §561, no comparable Senate section—Senate recedes.

SEC. 561 BROAD TOP REGION OF PENNSYLVANIA

House §562, no comparable Senate section—Senate recedes with an amendment.

SEC. 562 CURWENSVILLE LAKE PENNSYLVANIA

House §563, no comparable Senate section—Senate recedes.

SEC. 563 HOPPER DREDGE MCFARLAND

House §564, no comparable Senate section—Senate recedes with an amendment.

SEC. 564 PHILADELPHIA, PENNSYLVANIA

House §565, no comparable Senate section—Senate recedes with an amendment to Subsection (a) and (g).

The conference report adds language to section 564 which would have the Army Corps of Engineers complete a report that certain of the elements authorized in that section be found to be technically sound, environmentally acceptable, and economic, as applicable. The Corps is directed to make such a determination expeditiously. In addition, the benefits of some of the work authorized in this section are historic or environmental in nature. Historic and environmental benefits associated with such projects are not susceptible to quantification and monetization. Consistent with the policies of the Corps and prior Congressional direction, historic and environmental projects should not be subject to the usual economic

analysis which evaluates projects for flood control, navigation and the like.

SEC. 565 SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA

House §567, no comparable Senate section—Senate recedes.

SEC. 566 SOUTHEASTERN PENNSYLVANIA

House §568, no comparable Senate section—Senate recedes with an amendment.

SEC. 567 UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK

House §566, no comparable Senate section—Senate recedes with an amendment to Subsection (a).

SEC. 568 WILLS CREEK, HYNDMAN, PENNSYLVANIA

House §569, no comparable Senate section—Senate recedes with an amendment.

SEC. 569 BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS

House §570, no comparable Senate section—Senate recedes.

SEC. 570 DREDGED MATERIAL CONTAINMENT FACILITY FOR PORT OF PROVIDENCE, RHODE ISLAND

No comparable House or Senate section.

SEC. 571 QUONSET POINT-DAVISVILLE, RHODE ISLAND

Senate §326, no comparable House section—House recedes.

SEC. 572 EAST RIDGE, TENNESSEE

House §571, no comparable Senate section—Senate recedes with an amendment.

SEC. 573 MURFREESBORO, TENNESSEE

House §572, no comparable Senate section—Senate recedes with an amendment.

SEC. 574 TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE

House §103(5), no comparable Senate section—Senate recedes with an amendment.

SEC. 575 HARRIS COUNTY, TEXAS

House §577, no comparable Senate section—Senate recedes.

SEC. 576 NEABSCO CREEK, VIRGINIA

House §575, no comparable Senate section—Senate recedes.

SEC. 577 TANGIER ISLAND, VIRGINIA

House §578, no comparable Senate section—Senate recedes.

SEC. 578 PIERCE COUNTY, WASHINGTON

House §578, no comparable Senate section—Senate recedes with an amendment.

SEC. 579 GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION

House §580, no comparable Senate section—Senate recedes with an amendment to Subsection (a), (c) and (d).

SEC. 580 LOWER MUD RIVER, MILTON, WEST VIRGINIA

House §582, no comparable Senate section—Senate recedes with an amendment.

SEC. 581 WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL

House §583, no comparable Senate section—Senate recedes with an amendment to Subsections (a), (c) and (d).

SEC. 582 SITE DESIGNATION

No comparable House or Senate section.

SEC. 583 LONG ISLAND SOUND

No comparable House or Senate section.

SEC. 584 WATER MONITORING STATION

No comparable House or Senate section.

SEC. 585 OVERFLOW MANAGEMENT FACILITY

No comparable House or Senate section.

SEC. 586 PRIVATIZATION OF INFRASTRUCTURE ASSETS

No comparable House or Senate section.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601 EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

House §601, no comparable Senate section—Senate recedes.

Coordination

The Conferees are aware of groundwater contamination at the Sierra Army Depot, migration of this contamination into the Honey Valley Groundwater Basin, and the impact of such contamination on a proposed project to transfer water to the Reno-Sparks Metropolitan Area. The Secretary is to instruct the appropriate Army Headquarters officials to meet with affected parties and to determine fair compensation to those who have, in good faith, invested in this project but have been damaged by this unfortunate contamination problem.

National Center for Nonofabrication and Molecular Self-Assembly

The managers on the part of the House have receded to the Senate on House amendment section 585, the National Center for Nanofabrication and Molecular Self-Assembly. That section would have authorized the Secretary to provide assistance for the center in Evanston, Illinois.

This assistance could better be provided through the Director of the National Institute of Environmental Health Sciences than through the Secretary of the Army. The proponents of the center are encouraged to work with the Director to receive any necessary or appropriate assistance. Similarly, the Director is encouraged to explore ways of providing any needed assistance.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,
Managers on the Part of the House

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
DANIEL PATRICK MOYNIHAN,
Managers on the Part of the Senate.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1996

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3391) to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act, as amended.

The Clerk read as follows:

H. 3391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Leaking Underground Storage Tank Trust Fund Amendments Act of 1996''.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

(a) TRUST FUND DISTRIBUTION.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following new subsection:

''(f) TRUST FUND DISTRIBUTION TO STATES.—

''(1) IN GENERAL.—(A) The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund (in subsection referred to as the 'Trust Fund') each fiscal year for the reasonable costs under cooperative agreements entered into with the Administrator for the following:

''(i) States' actions under section 9003(h)(7)(A).

''(ii) Necessary administrative expenses directly related to corrective action and compensation programs under section 9004(c)(1).

''(iii) Enforcement of a State or local program approved under this section or enforcement of this subtitle or similar State or local provisions by a State or local government.

''(iv) State and local corrective actions pursuant to regulations promulgated under section 9003(c)(4).

''(v) Corrective action and compensation programs under section 9004(c)(1) for releases from underground storage tanks regulated under this subtitle in any instance, as determined by the State, in which the financial resources of an owner or operator, excluding resources provided by programs under section 9004(c)(1), are not adequate to pay for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

''(B) Funds provided by the Administrator under subparagraph (A) may not be used by States for purposes of providing financial assistance to an owner or operator in meeting the requirements respecting underground storage tanks contained in section 280.21 of title 40 of the Code of Federal Regulations (as in effect on the date of the enactment of this subsection) or similar requirements in State programs approved under this section or similar State or local provisions.

''(2) ALLOCATION.—

''(A) PROCESS.—In the case of a State that the Administrator has entered into a cooperative agreement with under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

''(B) REVISIONS TO PROCESS.—The Administrator may revise such allocation process only after—

''(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

''(ii) taking into consideration, at a minimum, the total revenue received from each State into the Trust Fund, the number of confirmed releases from leaking underground storage tanks in each State, the number of notified petroleum storage tanks in each State, and the percent of the population of each State using groundwater for any beneficial purpose.

''(3) RECIPIENTS.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

''(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under section 9004(c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6).''.

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''and to carry out section 9004(f) of such Act''.

(c) TECHNICAL AMENDMENTS.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended as follows:

(1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A)) is amended by striking out ''sustances'' and inserting in lieu thereof ''substances''.

(2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is amended by striking out ''subsection (c) and (d)'' and inserting in lieu thereof ''subsections (c) and (d)''.

(3) Section 9004(a) (42 U.S.C. 6991c(a)) is amended by striking out ''in 9001(2)(A)'' and inserting in lieu thereof ''in section 9001(2)(A)''.

(4) Section 9005 (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking out ''study taking'' and inserting in lieu thereof ''study, taking'';

(B) in subsection (b)(1), by striking out ''relevent'' and inserting in lieu thereof ''relevant''; and

(C) in subsection (b)(4), by striking out ''Evironmental'' and inserting in lieu thereof ''Environmental''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from Michigan [Mr. STUPAK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, this legislation improves the Underground Storage Tank program, a program under which States are already well protecting human health and environment from petroleum and other tank leaks. With Federal financial assistance, States have secured cleanup of about 140,000 sites.

In 1986, Congress created the leaking underground storage tank trust fund, paid for with a one-tenth of 1 cent tax on gasoline. The fund is used to enforce cleanup requirements; conduct cleanups when there is no solvent responsible party, when there is an emergency, or when the responsible party refuses to cooperate; and take cost recovery actions. Only 36 percent of the funds collected since 1987—$600 million out of $1.7 billion—have been spent for the program.

EPA gives most of its appropriation to States under cooperative agreements, which spell out exactly what the States will use the money for each year.

H.R. 3391 does two key things.

First, it requires EPA to give at least 85 percent of its appropriation to the States each year. Requiring EPA to give States 85 percent of its appropriation will ensure that the money is going where the tanks are, and where the cleanup work is actually done. EPA already gives an average of 86 percent per year to the States, so 85 percent is no stretch.

Second, the bill authorizes three new uses of the fund, which gives the States more flexibility to make their programs more effective. It allows States to put the money into their financial assurance funds, where they would be used for tank cleanups in cases of financial hardship. It allows the States to use the money to enforce Federal requirements that underground tanks be brought up to minimum leak detection and prevention standards by 1998. And it allows States to use the Federal money to administer their State assurance funds.

Up to 75 percent of tank owners and operators have not yet come into compliance, even though the regs are 8 years old. We need to help the States meet the financial burdens of the potentially huge enforcement task that is coming down the pike in the next 2 years.

The bill also requires EPA to keep using its current formula for allocating LUST dollars among the States, and prohibits EPA from cost recovering from owners and operators any money given to States for corrective actions under State assurance programs. Finally, it prohibits States from using the money to help someone comply with the 1998 tank requirements, so tax dollars won't be used to put people who have already complied at a competitive disadvantage.

This bill will help make the underground storage tank program even more effective and will help the environment by guaranteeing money will get out to the States, and by giving the States the flexibility to put the money to use in new ways.

I want to add that the requirement that 85 percent of the money be given to the States may help make the case with the appropriators that more money should be spent from the trust fund over the next couple of years to help meet the rising enforcement needs. If we assure that more money means more environmental protection, not more money spent on administrative overhead, there is a better case for increased funding, and I think the 85 percent provision helps make that case.

This legislation is supported by the Association of State and Territorial Solid Waste Management Officials, the Petroleum Marketers Association of America, the Society of Independent Gasoline Marketers of America, the National Association of Convenience Stores, and the National Coalition of Petroleum Retailers. I would like to thank all of these groups for their input.

I want to congratulate Chairman SCHAEFER for authoring the bill and thank members for making this a bipartisan success, passing by voice vote at the subcommittee and the full committee.

Mr. Speaker, I also would like to thank the gentleman from New York [Mr. MANTON], my ranking member, and the gentleman from Michigan [Mr. STUPAK], for their leadership on this very important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I rise today in support of H.R. 3391, the Leaking Underground Storage Tank Amendment Act. By adopting this bill, the House will make some incremental improvement to the distribution and utilization of Federal leaking underground storage tank trust fund money by the States.

I would like to commend my colleagues, Chairman OXLEY and SCHAEFER and Mr. STUPAK, for their hard work on this measure and for working closely with other members of the Commerce Committee to gain strong bipartisan support of the bill. Their efforts greatly facilitated negotiations regarding this legislation and I believe members of the committee agree that its provisions do meet the needs expressed by stakeholders in this issue.

Mr. Speaker, EPA reports that currently there are approximately 300,000 faulty underground storage tanks, confirming the widespread impact of this problem. In an effort to address this problem, H.R. 3391 amends the Resource Conservation and Recovery Act to offer States more Federal assistance in helping to cleanup the leaking tanks.

Primarily, this legislation establishes a dedicated funding source from EPA to the States and expands the allowable uses of Federal funds.

One of these new uses includes enforcement of underground storage tank standards as directed under local, State, or Federal programs. Using the LUST trust funds for this new enforcement activity, in addition to existing uses under the program, should perhaps take top priority over other applications of the funds, in my opinion. I should also add, that I am pleased that this bill limits the use of Federal funds for cleanup purposes by the States to owners and operators of leaking tanks who do not have the financial resources to address the problem themselves. In these times of limited Federal dollars, it is important that we direct funds in ways that will do the most good.

Again, I want to thank Chairman OXLEY and Mr. SCHAEFER for working to address the concerns raised by the minority on the Commerce Committee. This bill should enable States to better distribute the limited resources that they have for leaking underground storage tanks, and I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER], the author of the legislation who is the chairman of the Subcommittee on Energy and Power.

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, last spring, Congressman BART STUPAK and I introduced H.R. 3391, the Leaking Underground Storage Tank Trust Fund Amendments Act of 1996. The bill's objectives are to give States more financial stability in operating their underground storage tank programs and greater flexibility to address unique environmental problems, particularly in rural America. H.R. 3391 has substantial bipartisan cosponsorship and diverse private sector support.

Among the bill's supporters:

The Association of State and Territorial Solid Waste Management Officials;

The National School Boards Association;

The Petroleum Marketers Association of America;

The National Association of Convenience Stores;

The Society of Independent Gasoline Marketers of America;

The Service Station Dealers of America; and

The National Automobile Dealers Association.

Prior to introduction and as the bill moved forward, we solicited and received suggestions on how best to achieve our objectives—program flexibility and stability. EPA, Members from both parties, State regulators and industry all made meaningful contributions to H.R. 3391. As a result, the final product we have before us today meets our initial goals, with a strong emphasis on quicker cleanups and stricter enforcement.

The so-called LUST Program was first enacted in 1984. The trust fund followed in 1986. The current LUST statute allows States to spend the Federal LUST trust fund money in a limited number of instances—mainly for corrective actions where an owner is unable or unwilling to clean up a leak.

Along with the corrective action standards for leaking tanks, the LUST statute also requires owners and operators of underground storage tanks to meet certain standards. The deadline for compliance with these tank standards is 1998. When implemented, the tank standards will provide an important preventative protection against many future leaks. Federal LUST trust fund money cannot currently be used for this enforcement.

The LUST Program has largely been a success. The regulated industry and the EPA tank office share a good working relationship. However, over the next few years the nature of the program will change dramatically. EPA has stated it envisions States becoming the primary enforcers for the tank standards and supervising corrective action where leaks have occurred. In fact, EPA maintains its Federal tank office will be phased out. H.R. 3391 helps to make that transition.

I support this progression. However, if we expect States to carry out more duties, it is critical that they be given more freedom to use LUST trust fund money where most needed.

Finally, EPA has traditionally dedicated about 85 percent of its annual LUST trust fund appropriation to States. But, as State responsibilities increase, we need to give them peace of mind that this tradition will continue. H.R. 3391 gives this financial stability.

I want to thank all those involved in crafting this bill. The process has embodied the spirit of bipartisan compromise. Our final product increases enforcement and enhances site cleanups with the broad-based support of the regulated industry. The State-centered model setup by EPA is reinforced with a stronger Federal financial commitment.

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Mr. Speaker, I urge my colleagues to support this sound environmental proposal, and I want to thank the gentleman from Ohio [Mr. OXLEY] for moving this through his subcommittee and through the full committee, and the gentleman from New York [Mr. MANTON] and certainly the gentleman from Michigan [Mr. STUPAK] for helping out tremendously in getting the final language into this legislation. I would certainly want to encourage the passage of this bill.

Mr. MANTON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise in support of H.R. 3391, the Schaefer-Stupak Leaking Underground Storage Tank Amendments Act. This bill will provide the States and the Federal Government the flexibility they need to continue the cleanup of leaking underground storage tanks all across this country.

First, I want to thank Chairmen TOM BLILEY and MIKE OXLEY, ranking members JOHN DINGELL and TOM MANTON, for all the support this bill has received in subcommittee and the full committee to bring it before the House today.

Most of all, I would like to thank Energy and Power chairman, Mr. SCHAEFER, for his determination to reach a strong bipartisan consensus on this very important bill. I very much appreciate his efforts to work with me on this measure.

The Leaking Underground Storage Tank Program is one of the most important and least known environmental programs run by the Federal Government and the States. The 1994 report to Congress of the National Water Quality Inventory states that leaking underground storage tanks are the most frequent cause of groundwater contamination. Unfortunately, the Committee on Appropriations does not feel our Nation's ground water is such a high priority. Last year the Committee on Appropriations cut the President's request by 40 percent. This year, the Committee on Appropriations once again cut the President's request by more than 33 percent.

The Committee on Appropriations' actions are even more frustrating because the Leaking Underground Storage tank Program is funded through a tax collected on petroleum products. Currently, the leaking underground storage tank, or LUST, trust fund, has a $1 billion surplus.

I will continue to join with my colleagues, especially the gentleman from Colorado [Mr. SCHAEFER], in the fight to increase the appropriation to this program.

This program came to my attention based upon concerns by my constituents, especially up in Trenary, MI, when I discovered that my State's Leaking Underground Storage Tank Program became insolvent due to improper management and improper funding. In Michigan, the fund is not accepting new claims, and cleanups on leaking tanks have all but ceased.

Although I believe that this legislation being discussed today is a very important step in cleaning up leaking tanks, it is my hope that States, and Michigan in particular, will renew their commitment to this program.

Beyond any doubt, H.R. 3391 will make improvements to the program. The improvements will increase the amount of funding available for contaminated sites, increase the amount of money for State enforcement, and guarantee that money the Congress appropriates for this program is received by the States.

This legislation does not completely turn this program over to the States. We have maintained a strong role for the EPA in this legislation by preserving the current cooperative agreement process between the States and the Federal Government. This bill will uphold the Federal role in the LUST Program and strengthens the Federal-State partnership that has been so successful since the program's inception.

Mr. Speaker, I once again want to thank the leadership of the Committee on Commerce and this House for expediting this legislation offered by the gentleman from Colorado [Mr. SCHAEFER] and myself. It remains our intent to encourage a more flexible use of Federal resources while continuing to hold polluters responsible for their waste.

Mr. MANTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NORWOOD. Mr. Speaker, I rise today in support of H.R. 3391, The Leaking Underground Storage Tank Trust Fund Amendments. As you may know, I am a cosponsor of this legislation. This bill is designed to ensure that 85 percent of the funds in the Federal Underground Storage Tank Trust Fund are allocated to the States via cooperative agreements.

While I am fully supportive of this legislation, I do want to clarify one point in order to prevent any potential confusion down the road. My constituents have been concerned that the prohibition on the use of Federal funds in State financial assistance programs is not misinterpreted.

Under existing law, use of Federal funds for the purpose of providing financial assistance to tank owners and operators is not a specifically authorized use of the fund. This is an

area that Washington has thankfully stayed out of, leaving the issue of what type of financial assistance programs to design to the States. I wish to emphasize that the prohibition is simply designed to maintain the historic balance of State and Federal concerns, and there is no suggestion, either express or implied, that States should not set up financial assistance programs.

Mr. Speaker, this is a good bill, and I urge all of my colleagues to support H.R. 3391.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 3391, the Leaking Underground Storage Tank Amendments Act. As a cosponsor of the legislation, this Member would like to commend the distinguished gentleman from Colorado [Mr. SCHAEFER] and the distinguished gentleman from Michigan [Mr. STUPAK] for introducing this bill and working for its enactment.

Across the Nation, leaking underground storage tanks present a hazard which must be addressed. Unfortunately, less than half of the identified leaking tanks have been remedied. In addition, there are likely thousands of other unidentified leaking tanks which require action.

This legislation improves the current situation by distributing more money from the existing trust fund to the States where it belongs. The trust fund was established by Congress in 1986 and currently contains about $1 billion. Although the trust fund is intended to provide assistance in the cleanup of underground storage tanks, far too much of the money in the trust fund has been used to offset general Federal spending.

This Member certainly believes that the money in the trust fund should for used for the purposes for which it was originally intended; money simply accumulating in the trust fund obviously does not address the current needs. The large number of remaining leaking underground storage tank sites to be addressed is evidence that the States certainly could use this money which is currently accumulating in the trust fund. This bill would assist States in more efficiently receiving and disbursing money from the trust fund. It would also give the States increased flexibility in the use of money from the trust fund.

This Member urges his colleagues to support H.R. 3391.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 3391, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4167 and H.R. 3391, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FEDERAL EMPLOYEES EMERGENCY LEAVE TRANSFER ACT OF 1996

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 868) to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies, and for other purposes, as amended.

The Clerk read as follows:

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EMERGENCY LEAVE TRANSFERS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Federal Employees Emergency Leave Transfer Act of 1996''.

SEC. 102. AUTHORITY.

(a) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following new subchapter:

''SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

''§ 6391. Authority for leave transfer program in disasters and emergencies

''(a) For the purpose of this section—

''(1) 'employee' means an employee as defined in section 6331(1); and

''(2) 'agency' means an Executive agency.

''(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

''(c) The Office of Personnel Management shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

''(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office of Personnel Management, donate annual leave to the emergency leave transfer program established under subsection (b).

''(e) Except to the extent that the Office of Personnel Management may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

''(f) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

''SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

''6391. Authority for leave transfer program in disasters and emergencies''.

SEC. 103. EFFECTIVE DATE.

The amendments made by section 102 shall take effect on the date of enactment of this Act.

TITLE II—VETERANS' PREFERENCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Veterans Employment Opportunities Act of 1996''.

SEC. 202. EQUAL ACCESS FOR VETERANS.

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

''(A) not having acquired competitive status; or

''(B) not being an employee of such agency.

''(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency due to a reduction in force and surplus employees (as defined under regulations prescribed by the Office).''.

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3327(b) of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

''(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position under paragraph (1), and''.

(2) ADDITIONAL INFORMATION.—Section 3327 of title 5, United States Code, is amended by adding at the end the following:

''(c) Any notification provided under this section shall, for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

''(d) In consultation with the Secretary of Labor, the Office shall submit to Congress and the President, no less frequently than every 2 years, a report detailing, with respect to the period covered by such report—

''(1) the number of positions listed under this section during such period;

''(2) the number of preference eligibles and other individuals described in section 3304(f)(1) referred to such positions during such period; and

''(3) the number of preference eligibles and other individuals described in section 3304(f)(1) appointed to such positions during such period.''.

(c) GOVERNMENTWIDE LISTS.—

(1) VACANT POSITIONS.—Section 3330(b) of title 5, United States Code, is amended to read as follows:

''(b) The Office of Personnel Management shall cause to be established and kept current—

''(1) a comprehensive list of all announcements of vacant positions (in the competitive service and the excepted service, respectively) within each agency that are to be filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency's work force; and

''(2) a comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position required to be listed under paragraph (1).''.

(2) ADDITIONAL INFORMATION.—Section 3330(c) of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

''(3) for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), a notation as to the applicability of section 3304(f) with respect thereto; and''.

(3) CONFORMING AMENDMENT.—Section 3330(d) of title 5, United States Code, is amended by striking ''The list'' and inserting ''Each list under subsection (b)''.

(d) PROVISIONS RELATING TO THE UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—Subsection (a) of section 1005 of title 39, United States Code, is amended by adding at the end the following:

''(5)(A) The provisions of section 3304(f) of title 5 shall apply with respect to the Postal Service in the same manner and under the same conditions as if the Postal Service were an agency within the meaning of such provisions.

''(B) Nothing in this subsection shall be considered to require that the Postal Service accept an application from a preference eligible or any other individual described in paragraph (1) of such section 3304(f), who is not an employee of the Postal Service, if—

''(i) the vacant position involved is advertised for bids pursuant to a collective-bargaining agreement;

''(ii) the collective-bargaining agreement restricts competition for such position to individuals employed in the specific bargaining unit or facility within the Postal Service in which the position is located;

''(iii) the collective-bargaining agreement provides that the successful bid shall be selected solely on the basis of seniority; and

''(iv) selection does not result in a promotion or change in duties for the successful bidder.

''(C) The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1005(a)(2) of title 39, United States Code, is amended by striking ''title.'' and inserting ''title, subject to paragraph (5) of this subsection.''.

SEC. 203. SPECIAL PROTECTIONS FOR PREFERENCE ELIGIBLES IN REDUCTIONS IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 430), is amended by adding at the end the following:

''(g)(1) A position occupied by a preference eligible shall not be placed in a single-position competitive level if the preference eligible is qualified to perform the essential functions of any other position at the same grade (or occupational level) in the competitive area. In such cases, the preference eligible shall be entitled to be placed in another competitive level for which such preference eligible is qualified. If the preference eligible is qualified for more than one competitive level, such preference eligible shall be placed in the competitive level containing the most positions.

''(2) For purposes of paragraph (1)—

''(A) a preference eligible shall be considered qualified to perform the essential functions of a position if, by reason of experience, training, or education (and, in the case of a disabled veteran, with reasonable accommodation), a reasonable person could conclude that the preference eligible would be able to perform those functions successfully within a period of 150 days; and

''(B) a preference eligible shall not be considered unqualified solely because such preference eligible does not meet the minimum qualification requirements relating to previous experience in a specified grade (or occupational level), if any, that are established for such position by the Office of Personnel Management or the agency.

''(h) In connection with any reduction in force, a preference eligible whose current or most recent performance rating is at least fully successful (or the equivalent) shall have, in addition to such assignment rights as are prescribed by regulation, the right, in lieu of separation, to be assigned to any position within the agency conducting the reduction in force—

''(1) for which such preference eligible is qualified under subsection (g)(2)—

''(A) that is within the preference eligible's commuting area and at the same grade (or occupational level) as the position from which the preference eligible was released, and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force if, within 12 months prior to the date on which such individual was so placed in such position, such individual had been employed in the same competitive area as the preference eligible; or

''(B) that is within the preference eligible's competitive area and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force; or

''(2) for which such preference eligible is qualified that is within the preference eligible's competitive area and that is not more than 3 grades (or pay levels) below that of the position from which the preference eligible was released, except that, in the case of a preference eligible with a compensable service-connected disability of 30 percent or more, this paragraph shall be applied by substituting '5 grades' for '3 grades'.

In the event that a preference eligible is entitled to assignment to more than 1 position under this subsection, the agency shall assign the preference eligible to any such position requiring no reduction (or, if there is no such position, the least reduction) in basic pay. A position shall not, with respect to a preference eligible, be considered to satisfy the requirements of paragraph (1) or (2), as applicable, if it does not last for at least 12 months following the date on which such preference eligible is assigned to such position under this subsection.

''(i) A preference eligible may challenge the classification of any position to which the preference eligible asserts assignment rights (as provided by, or prescribed by regulations described in, subsection (h)) in an action before the Merit Systems Protection Board.

''(j)(1) Not later than 3 months after the date of the enactment of this subsection, each Executive agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

''(A)(i) are scheduled to be separated from service due to a reduction in force under—

''(I) regulations prescribed under this section; or

''(II) procedures established under section 3595; or

''(ii) are separated from service due to such a reduction in force; and

''(B)(i) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes; or

''(ii) occupy positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management.

''(2)(A) Each agencywide priority placement program under this subsection shall include provisions under which a vacant position shall not (except as provided in this paragraph or any other statute providing the right of reemployment to any individual) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in subparagraph (B)) if—

''(i) there is then available any individual described in subparagraph (B) who is qualified for the position; and

''(ii) the position—

''(I) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

''(II) is within the same commuting area as the individual's last-held position (as referred to in subclause (I)) or residence; and

''(III) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

''(B) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this subparagraph if such individual—

''(i)(I) is an employee of such agency who is scheduled to be separated, as described in paragraph (1)(A)(i); or

''(II) is an individual who became a former employee of such agency as a result of a separation, as described in paragraph (1)(A)(ii), excluding any individual who separated voluntarily under subsection (f); and

''(ii) satisfies clause (i) or (ii) of paragraph (1)(B).

''(3)(A) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this subsection, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this subsection. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

''(B) At its option, an agency may administratively extend reemployment rights under this subsection to include other local commuting areas.

''(4)(A) In selecting employees for positions under this subsection, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

''(B) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

''(C) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

''(5) An individual is eligible for reemployment priority under this subsection for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under this section or section 3595, as the case may be.

''(6) An individual loses eligibility for reemployment priority under this subsection when the individual—

''(A) requests removal in writing;

''(B) accepts or declines a bona fide offer under this subsection or fails to accept such an offer within the period of time allowed for such acceptance, or

''(C) separates from the agency before being separated under this section or section 3595, as the case may be.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under this section retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

''(7) Whenever more than one individual is qualified for a position under this subsection, the agency shall select the most highly qualified individual, subject to paragraph (4).

''(8) The Office of Personnel Management shall issue regulations to implement this subsection.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall take effect with respect to the Department of Defense at the end of the 1-year period beginning on the date of the enactment of this Act.

SEC. 204. IMPROVED REDRESS FOR VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

''§ 3330a. Administrative redress

''(a)(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f), may file a complaint with the Secretary of Labor.

''(2) A complaint under this subsection must be filed within 60 days after the date of the alleged violation, and the Secretary shall process such complaint in accordance with sections 4322 (a) through (e)(1) and 4326 of title 38.

''(b)(1) If the Secretary of Labor is unable to resolve the complaint within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought—

''(A) before the 61st day after the date on which the complaint is filed under subsection (a); or

''(B) later than 15 days after the date on which the complainant receives notification from the Secretary of Labor under section 4322(e)(1) of title 38.

''(2) An appeal under this subsection may not be brought unless—

''(A) the complainant first provides written notification to the Secretary of Labor of such complainant's intention to bring such appeal; and

''(B) appropriate evidence of compliance with subparagraph (A) is included (in such form and manner as the Merit Systems Protection Board may prescribe) with the notice of appeal under this subsection.

''(3) Upon receiving notification under paragraph (2)(A), the Secretary of Labor shall not continue to investigate or further attempt to resolve the complaint to which such notification relates.

''(c) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

''§ 3330b. Judicial redress

''(a) In lieu of continuing the administrative redress procedure provided under section 3330a(b), a preference eligible or other individual described in section 3304(f)(1) may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

''(b) An election under this section may not be made—

''(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(b); or

''(2) after the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

''(c) An election under this section shall be made, in writing, in such form and manner as the Merit Systems Protection Board shall by regulation prescribe. The election shall be effective as of the date on which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

''§ 3330c. Remedy

''(a) If the Merit Systems Protection Board (in a proceeding under section 3330a) or a court (in a proceeding under section 3330b) determines that an agency has violated a right described in section 3330a, the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as liquidated damages.

''(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330 the following:

''3330a. Administrative redress.
''3330b. Judicial redress.
''3330c. Remedy.''.

SEC. 205. EXTENSION OF VETERANS' PREFERENCE.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Paragraph (3) of section 2108 of title 5, United States Code, is amended by striking ''the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or the General Accounting Office;'' and inserting ''or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;''.

(b) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''§ 115. Veterans' preference

''(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

''(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

''(1) that such position is—

''(A) a confidential or policy-making position; or

''(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

''(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by adding at the end the following:

''115. Veterans' preference.''.

(c) LEGISLATIVE BRANCH APPOINTMENTS.—

(1) DEFINITIONS.—For the purposes of this subsection, the terms ''employing office'', ''covered employee'', and ''Board'' shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) RIGHTS AND PROTECTIONS.—The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code, shall apply to covered employees.

(3) REMEDIES.—

(A) IN GENERAL.—The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5, United States Code, in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) PROCEDURE.—The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act.

(4) REGULATIONS TO IMPLEMENT SUBSECTION.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

(C) COORDINATION.—The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) APPLICABILITY.—Notwithstanding any other provision of this subsection, the term ''covered employee'' shall not, for purposes of this subsection, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(6) EFFECTIVE DATE.—Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(d) JUDICIAL BRANCH APPOINTMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), appointments to positions in the judicial branch of the Government shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5, United States Code.

(2) REDUCTIONS IN FORCE.—Subject to paragraph (2), reductions in force in the judicial branch of the Government shall provide preference eligibles with protections substantially similar to those provided under subchapter I of chapter 35 of title 5, United States Code.

(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to—

(A) an appointment made by the President, with the advice and consent of the Senate;

(B) an appointment as a judicial officer;

(C) an appointment as a law clerk or secretary to a justice or judge of the United States; or

(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(4) REDRESS PROCEDURES.—The Judicial Conference of the United States shall prescribe regulations under which redress procedures (substantially similar to the procedures established by the amendments made by section 204) shall be available for alleged violations of any rights provided by this subsection.

(5) DEFINITIONS.—For purposes of this subsection—

(A) the term ''judicial officer'' means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code; and

(B) the term ''justice or judge of the United States'' has the meaning given such term by section 451 of such title 28.

SEC. 206. VETERANS' PREFERENCE REQUIRED FOR REDUCTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following:

''(8) sections 3501–3504, as such sections relate to veterans' preference.''.

SEC. 207. DEFINITIONAL AMENDMENT.

Subparagraph (A) of section 2108(1) of title 5, United States Code, is amended by inserting ''during a military operation in a qualified hazardous duty area (within the meaning of the first 2 sentences of section 1(b) of Public Law 104–117) and in accordance with requirements that may be prescribed in regulations of the Secretary of Defense,'' after ''for which a campaign badge has been authorized,''.

TITLE III—PROVISIONS RELATING TO THE THRIFT SAVINGS PLAN

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Thrift Savings Investment Funds Act of 1996''.

SEC. 302. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

''(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);'';

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out ''and'' at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out ''paragraph (7)(D)'' in each place it appears and inserting in each such place ''paragraph (8)(D)''; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and ''and''; and

(E) by adding at the end thereof the following new paragraph:

''(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D).''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out ''and'' at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

''(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

''(E) an International Stock Index Investment Fund as provided in paragraph (4).''; and

(B) by adding at the end thereof the following new paragraphs:

''(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

''(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

''(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

''(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.''.

SEC. 303. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3),'' and inserting in lieu thereof ''Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),''.

SEC. 304. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act, and the Funds established under this subtitle shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

Subtitle B—Thrift Savings Accounts Liquidity

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''Thrift Savings Plan Act of 1996''.

SEC. 312. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out ''An election, change of election, or modification (relating to the commencement date of a deferred annuity)'' and inserting in lieu thereof ''An election or change of election'';

(ii) by inserting ''or withdrawal'' after ''and a loan'';

(iii) by inserting ''and (h)'' after ''8433(g)'';

(iv) by striking out ''the election, change of election, or modification'' and inserting in lieu thereof ''the election or change of election''; and

(v) by inserting ''or withdrawal'' after ''for such loan''; and

(B) in subparagraph (D)—

(i) by inserting ''or withdrawals'' after ''of loans''; and

(ii) by inserting ''or (h)'' after ''8433(g)''; and

(2) in paragraph (6)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(B) by striking out ''unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)''.

SEC. 313. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

''(1) an annuity;

''(2) a single payment;

''(3) 2 or more substantially equal payments to be made not less frequently than annually; or

''(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

''(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

''(2) An employee or Member may request that the amount withdrawn from the Thrift

Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

''(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

''(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.'';

(2) in subsection (d)—

(A) in paragraph (1) by striking out ''Subject to paragraph (3)(A)'' and inserting in lieu thereof ''Subject to paragraph (3)'';

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out ''(A)''; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out ''unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or'' and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out ''February 1'' and inserting in lieu thereof ''April 1'';

(B) in subparagraph (A)—

(i) by striking out ''65'' and inserting in lieu thereof ''70½''; and

(ii) by inserting ''or'' after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out ''after December 31, 1987, and'', and by adding at the end of the paragraph the following sentence: ''Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Member's final account balance.''; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

''(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

''(A) the employee or Member having attained age 59½; or

''(B) financial hardship.

''(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

''(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

''(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

''(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.''.

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this subtitle), with respect to an annuity which has not commenced before the implementation date of this subtitle as provided by regulation by the Executive Director in accordance with section 318 shall be invalid.

SEC. 314. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out ''may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section'' and inserting in lien thereof ''may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election''; and

(B) by adding at the end thereof ''A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out ''An election, change of election, or modification of the commencement date of a deferred annuity'' and inserting in lieu thereof ''An election or change of election''; and

(ii) by striking out ''modification, or transfer'' and inserting in lien thereof ''or transfer''; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out ''modification,'';

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting ''or withdrawal'' after ''A loan'';

(II) by inserting ''and (h)'' after ''8433(g)''; and

(III) by inserting ''or withdrawal'' after ''such loan'';

(ii) in subparagraph (B) by inserting ''or withdrawal'' after ''loan''; and

(iii) in subparagraph (C)—

(I) by inserting ''or withdrawal'' after ''to a loan''; and

(II) by inserting ''or withdrawal'' after ''for such loan''; and

(B) in paragraph (2)—

(i) by inserting ''or withdrawal'' after ''loan''; and

(ii) by inserting ''and (h)'' after ''8344(g)''; and

(4) in subsection (g)—

(A) by inserting ''or withdrawals'' after ''loans''; and

(B) by inserting ''and (h)'' after ''8344(g)''.

SEC. 315. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(2) by striking out ''unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)''.

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting ''of the distribution'' after ''equal to the amount''; and

(2) in paragraph (8)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(B) by striking out ''unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)''.

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting ''of the distribution'' after ''equal to the amount''; and

(2) in paragraph (8)—

(A) by striking out ''$3,500 or less'' and inserting in lieu thereof ''less than an amount that the Executive Director prescribes by regulation''; and

(B) by striking out ''unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)''.

SEC. 316. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out ''except as provided in subchapter III of this chapter,''.

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out ''8431,''.

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out ''section 8431 of title 5, United States Code,''.

SEC. 317. ELIGIBLE ROLLOVER DISTRIBUTIONS.

Section 8432 of title 5, United States Code, is amended by adding at the end the following:

''(j)(1) For the purpose of this subsection—

''(A) the term 'eligible rollover distribution' has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

''(B) the term 'qualified trust' has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

''(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover distribution from a qualified trust. A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee's or Member's gross income for Federal income tax purposes.

''(3) The Executive Director shall prescribe regulations to carry out this subsection.''.

SEC. 318. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act, and withdrawals, loans, rollovers, and elections as provided under the amendments made by this subtitle shall be made at the earliest practicable date as determined by the Executive Director in regulations.

TITLE IV—PROVISIONS RELATING TO THE CONVERSION OF CERTAIN EXCEPTED SERVICE POSITIONS IN THE UNITED STATES FIRE ADMINISTRATION

SEC. 401. CONVERSION OF POSITIONS.

(a) IN GENERAL.—No later than the date described under subsection (d)(1), the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as necessary to convert each excepted service position established before the date of the enactment of this Act under section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) to a competitive service position.

(b) EFFECT ON EMPLOYEES.—Any employee employed on the date of the enactment of this Act in an excepted service position converted under subsection (a)—

(1) shall remain employed in the competitive service position so converted without a break in service;

(2) by reason of such conversion, shall have no—

(A) diminution of seniority;

(B) reduction of cumulative years of service; and

(C) requirement to serve an additional probationary period applied; and

(3) shall retain their standing and participation with respect to chapter 83 or 84 of title 5, United States Code, relating to Federal retirement.

(c) PROSPECTIVE COMPETITIVE SERVICE POSITIONS.—Section 7(c)(4) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(c)(4)) is amended to read as follows:

''(4) appoint faculty members to competitive service positions and with respect to temporary and intermittent services, to make appointments of consultants to the same extent as is authorized by section 3109 of title 5, United States Code;''.

(d) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), this section shall take effect on the first day of the first pay period, applicable to the positions described under subsection (a), beginning after the date of the enactment of this Act.

(2)(A) The Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management shall take such actions as directed under subsection (a) on and after the date of the enactment of this Act.

(B) Subsection (c) shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us contains actually three bills that have already passed the other body, S. 868, S. 1080, and S. 1488. The Senate passed two of these bills by unanimous consent, and the third by voice vote. In addition, title II of this bill is virtually identical to H.R. 3586, which the House passed by voice vote on July 30, 1996.

Title I of this bill is identical in all material respects to S. 868, the Federal Employee Emergency Leave Transfer Act of 1995. This title authorizes the establishment of a special leave bank for Federal employees in the event of a presidentially declared emergency. The tragedy at Oklahoma City is an example of the situations in which these special leave banks may be established. Mr. Speaker, this bill provides for a humane and a just opportunity for our Federal employees to help one another.

Title II of the bill, Mr. Speaker, is essentially the same as the Veterans Preference Employment Opportunity Act of 1996. This measure, H.R. 3586, is legislation that I introduced, and we passed the earlier version of this bill by voice vote in July. Title II creates an effective redress system for our veterans. It strengthens veterans protections in the case of a reduction in force, and it extends additional economic opportunities to our veterans. In addition, the bill extends veterans preference to certain jobs in the legislative branch, in the judicial branch, and at the White House.

In our handling of this matter, we found that sometimes our veterans are the first fired and the last hired, and this bill moves to correct that situation.

We have slightly modified the language of H.R. 3586 in an effort to respond to concerns raised by the American Postal Workers Union after we passed our original bill from the House. The APWU's concern is that the language of the original bill might have interfered with the operation of job bidding procedures in their collective-bargaining agreements. It was not our intention, Mr. Speaker, to interfere with the Postal Union collective bargaining agreements, and we hope that our changes have in fact clarified this matter.

In addition, the Department of Defense has been given more time to comply with the rif provisions of the bill and another modification they requested.

In title III, Mr. Speaker, our provisions make the Thrift Savings Plan even more attractive to our Federal employees. They establish two new investment funds for Federal employees, an international stock index fund and a small capitalization stock index fund. In addition, these provisions will make it easier for Federal employees to borrow their own money from the Thrift Savings Plan and provide for a onetime permanent withdrawal at age 59½ or when they experience a particular financial hardship.

Title III also contains an improvement to the Thrift Savings Plan that was not in S. 1080. Under this bill, employees who come to work for the Government will be able to deposit the funds from their private 401(k) plans into our Thrift Savings Plan. This is an additional rollover authority, which should make Government employment more attractive to many in the private sector.

Finally, Mr. Speaker, title IV of this bill incorporates the provisions of S. 1488. That bill converts certain accepted service positions in the U.S. Fire Administration to competitive service positions. It also authorizes the Fire Administration to appoint new faculty members to competitive service positions.

Mr. Speaker, I am pleased that we have had the cooperation of the gentleman from Virginia [Mr. MORAN], the ranking member, and the gentlewoman from Maryland [Mrs. MORELLA] a leader on our Civil Service Subcommittee that I am so pleased to have the opportunity to chair. I also want to recognize the gentleman from Virginia [Mr. DAVIS] for his fine work and contributions, and also, not a member of the subcommittee or committee, but the gentleman from Virginia [Mr. WOLF] who is a strong advocate on behalf of our Federal employees and workers.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, due to a conflict in scheduling and because of a prior commitment in his congressional district, the gentleman from Virginia [Mr. MORAN] who is also the senior Democrat of the subcommittee, has requested that I assist him in managing this bill before the House. In doing so, Mr. Speaker, and on behalf of the gentleman from Virginia and Members from this side of the aisle, I am pleased to rise in support of Senate bill 868 and the managers' amendment offered by the gentleman from Florida [Mr. MICA]. Senate bill 868 is a simple bill first proposed by the Office of Personnel Management after the tragic bombing in Oklahoma City.

☐ 2130

It makes it easier for Federal employees to donate unused annual leave to their counterparts who have been adversely impacted by a disaster or national emergency. This bill passed the Senate unanimously last October and recently passed the Government Reform and Oversight Committee on voice vote.

To this legislation, Mr. MICA is offering a manager's amendment that incorporates other important provisions. The first makes important reforms to the Thrift Savings Plan and enables employees to participate in the plan earlier and to invest their funds in two new plans. The Thrift Savings Plan is a very successful retirement plan that enables Federal employees to save for their retirement. The provisions in this legislation will also provide Federal employees the same flexibilities enjoyed by their private sector counterparts who participate in 401(k) plans. This provision also allows Federal employees to borrow against their accounts for any reason.

The second provision is the Veterans Employment Opportunities and Improvement Act. This legislation has passed the House by voice vote and makes some positive reforms in the application of our veterans' preference

laws. By attaching this provision to S. 868, the majority expects that we will be able to engage the Senate in a conference on this legislation and break the current deadlock.

Finally, the manager's amendment incorporates a provision that was introduced by Senator SARBANES and passed the Senate by voice vote. This is more a technical provision and will help remedy a situation that affects only a limited number of employees. I support the effort to enact this correction.

Again, I support this legislation and the manager's amendment. I hope it will have my colleagues support as well.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland, [Mrs. MORELLA], who I am pleased to say is a very strong advocate on behalf of our Federal employees, someone who shares a caring and compassion for them, and one of the most productive members of the Subcommittee on Civil Service.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman who chairs our Subcommittee on Civil Service not only for the fine words but the leadership he has shown during this very challenging time for Federal employees and Federal agencies. I value that very much.

Mr. Speaker, I rise in strong support of S. 868, legislation that will help our dedicated Federal employees in a variety of ways. Civil servants are facing hard times, and they are understandably apprehensive about the future.

Although I would have liked to consider several pieces of legislation that I have introduced to help Federal employees meet the challenges of the changing workplace, this bill is a step in the right direction. I am proud to have drafted portions of this legislation to improve the lives of our Federal employees. Tomorrow, as part of civil service reform, we will consider additional proposals that I have drafted to help civil servants.

S. 868 contains legislation I introduced, H.R. 2306, the Federal Thrift Savings Plan Enhancement Act. These provisions will bolster a critical component of Federal employees' retirement benefits—the Thrift Savings Plan—at no cost to taxpayers.

The Thrift Savings Plan [TSP] is a retirement savings and investment plan for Federal and postal employees. It offers the same type of savings and tax benefits that many private corporations offer their employees under 401(k) plans. The TSP is critical for all Federal employees, but it is particularly important for those employees hired in the last decade who, under the Federal Employees Retirement System, receive smaller civil service benefits and need to invest more money to enhance their retirement income.

Unlike many private plans, the TSP limits employees to three investment funds: the Government Securities Investment (G) Fund, the Common Stock Index Investment (C) Fund, and the Fixed Income Investment (F) Fund. Eighty two percent of the largest corporations now offer four or more investment options in their defined contribution plans, and 50 percent offer five or more options. As the number of funds offered increases, small-cap and international funds are among the most popular additions. H.R. 2306 would give Federal workers two new investment options under the Thrift Savings Plan: a Small Capitalization Stock Index Investment Fund and International Stock Index Fund. These funds will provide Federal employees with a long-term investment strategy comparable to private pension plans. Adding two new options to Federal employees' retirement investment portfolios will potentially increase their investment earnings for retirement, and it will empower Federal workers to take a more active and personal responsibility for their retirement.

This legislation will also permit Federal employees to begin to withdraw money from the TSP at age 59½, even if they continue to work and invest in the plan. The money withdrawn would be taxable, but it would not be subject to any early-retirement penalty. Under the current rules, an employee cannot withdraw money before retiring. The legislation also significantly improves borrowing provisions to allow employees to borrow money from their own accounts as long as they repay it.

Federal employees face uncertainty caused by Federal downsizing and the recent Government shutdowns. Over 2 million Federal employees also worry about their retirement, and this legislation would bolster a critical component of their retirement benefits.

Unfortunately, this legislation does not include a critical provision in my TSP bill—the provision to allow employees to invest up to the $9,500 IRS limit of their own to the TSP. Currently, FERS employees can put in up to 10 percent of their salary with a Government match of up to 5 percent, and CSRS employees can invest up to 5 percent of their salary. I will continue to pursue legislation to increase this amount to the IRS limit separately.

This legislation also contains a provision important to firefighters in my district. When the Federal Emergency Management Agency was formed 20 years ago, it placed a number of its employees with specific fire-fighting expertise in the National Fire Academy under ''excepted'' service status. After the NFA has filled their vacancies, new hires were obtained through a competitive civil service hiring system. Today, 91 of the NFA's 99 employees are under the general schedule and 8 remain in excepted status. These eight employees are subject to significant limitations within the U.S. Fire Administration, and they are legally barred from competing for management positions. This provision would convert the eight remaining excepted service positions at the U.S. Fire Administration to competitive service status to remedy this unfair situation. The Office of Personnel Management supports this provision, and CBO has indicated that there would be no cost for this conversion.

This bill also contains the veterans' preference provisions passed by the House in July. These provisions were developed pursuant to a hearing held in the Civil Service Subcommittee last April. We learned that simply giving veterans augmented scores and certain due process protections does not necessarily give them the rightful additional assistance in obtaining and retaining civilian employment with the Federal Government that they deserve.

Testimony from veterans associations and from veterans such as John Fales, the author of the Sgt. Shaft column in the Washington Times, illustrated the need for this protection. Mr. Fales shared some of the hundreds of letters he has received that describe the challenges faced by veterans employed by the Federal Government.

The Veterans Employment Opportunities Act of 1996 would strengthen, and, in the case of hiring, broaden the applicability of veterans' preference laws. H.R. 3586 would provide increased protection during reductions-in-force, establishes an enhanced redress system, and applies veterans' preference to nonpolitical positions at both the White House and in the legislative branch, as well to as many positions in the judicial branch. It also extends veterans' preference when Rif's occur in the Federal Aviation Administration, and it will allow veterans claiming they were denied preference to take their case to Federal court for the first time. I am sensitive to the differing circumstances of the postal service, and I will work to address their concerns in conference.

In the event of a disaster or emergency, this legislation would allow Federal employees in any agency to donate their unused annual leave to Federal employees adversely affected. It is too bad that we have to pass legislation to allow Federal employees to help one another in such times of need, but I commend the many Federal employees who will put the needs of others before themselves and help those in need by donating their annual leave. This small change to the law is particularly important in the wake of such tragedies such as Oklahoma City, and I strongly urge its passage.

Mr. Speaker, I strongly urge the passage of S. 868, and again I thank the gentleman for the time that he has given me to comment on what I think is an important bill. I also want to commend the ranking member of our subcommittee, the gentleman from Virginia [Mr. MORAN].

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to concur in the remarks

made earlier by the gentlewoman from Maryland. She certainly has been a great advocate of our work force in the civil service, and I am sure that because the legislation is not exactly a perfect one that, hopefully, in the next Congress, some of the sentiments and concerns she has expressed earlier will be taken seriously.

Mr. Speaker, I also want to recognize the contributions of the members of the subcommittee, the gentleman from Pennsylvania [Mr. HOLDEN], the gentleman from Vermont [Mr. SANDERS], and the gentlewoman from Illinois [Mrs. COLLINS] absolutely the senior Democrat, the ranking member of the full committee, for the tremendous contributions that she has rendered for our government in all these years that she has served in this capacity as a member of the Committee on Government Reform and Oversight.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], who is one of the strongest advocates in the Congress on behalf of veterans and also has the honor and distinction of serving as chairman of our Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I want to thank the gentleman from Florida, JOHN MICA. Quite often I mistake JOHN and sometimes I call him Dan, and that is because 18 years ago Dan Mica, his brother, and I came to this Congress. His brother was a Democrat on the other side of the aisle but an outstanding Member of this body who served with me on the Committee on International Relations, as he did with the Speaker, at that time.

Mr. Speaker, I wanted to stand up here for a moment just to praise JOHN MICA, his subcommittee, and the members of this subcommittee, like the gentlewoman from Maryland, CONNIE MORELLA, and certainly my good friend, the gentleman from American Samoa, Mr. FALEOMAVAEGA, for the good job they always do.

Quite often Federal employees come under undue criticism. Yet, the vast majority of them are good people, they are conscientious, they are polite, they are courteous, and they do their job. I just want to commend the gentleman for the job he is doing on this piece of legislation, because in the long run that is what it is meant to do. It is meant to help Federal employees to do their job.

I want to concentrate briefly on the veterans preference benefits that are here. Mr. MICA has been very active in legislation along this line. The gentleman and I have worked together on many pieces of legislation just in the last 18 months dealing with it.

One of the provisions, as CONNIE MORELLA was alluding to earlier, was the provision that for the first time establishes an effective user-friendly redress system for veterans who believe their rights have been violated. This is very, very important. This will speed up that entire process so that they can have due process.

Another provision removes artificial barriers that often bar service men and women from competing for Federal jobs. These individuals should be able to compete for jobs for which they qualify just like any other Federal employee.

Thirdly, it extends veterans preference to certain jobs in this legislative branch, where the gentleman and I serve, in the judiciary branch, and in the White House as well.

□ 2145

Members might ask, why are veterans given these particular preferences? Whether you serve for 20 years in the military, whether you serve for 4 years or 2 years, let us just say you serve for 4 years and you were an 18-year-old when you went in the military, and at the same time your peer did not go in the military as he went on to college. And he graduates then from college 4 years before you do. He enters the job market 4 years before you do. All of that, that 4-year loss, when you are working at a substantially lesser benefit, when there are no benefits really in the military because you are not going to stay long enough to gain retirement benefits, that loss to you compared to your peer amounts to about $68,000 over a 4-year period.

A young man or young woman entering the military, when he or she gets out, they are always going to be $68,000 poorer than the peer that did not have the opportunity to serve. So that is really what veterans preference is all about. It is a way of allowing them to catch up, which is why we have the peacetime GI bill. That is why this piece of legislation is so terribly important.

I want to commend the gentleman from Florida, Mr. JOHN MICA, for the good job that he and that the members of his committee have done. Let us get it passed. Let us get it sent to the President and get his signature on it.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

I would like to conclude my remarks on this legislation and just take a moment, as we finish our comments, to thank the gentleman from American Samoa for his assistance tonight in moving this legislation forward. Also to thank the ranking member of our subcommittee, the gentleman from Virginia [Mr. MORAN] who is not able to be with us but who has provided great leadership on this and other civil service issues, and particularly the gentlewoman from Maryland [Mrs. MORELLA], as part of this legislation and, in fact, as part of her initiatives, continuing efforts on behalf of our civil servants whom she holds so dearly, both their service and their contribution to our Federal Government. I thank her. I thank the gentleman from Virginia [Mr. DAVIS] of our subcommittee and also, as I mentioned, the gentleman from Virginia [Mr. WOLF], who is not on the committee, who has contributed to this and other productive civil service legislation; also the gentleman from New York [Mr. SOLOMON] for his tremendous interest and efforts on behalf of our veterans. His service goes on and on in their behalf and on behalf of the Congress. The gentleman from Indiana [Mr. BUYER] who is not with us tonight but chairs one of the veterans subcommittees, also contributed greatly.

Finally, Mr. Speaker, by combining title II with three Senate bills we are, in fact, giving the other body a very convenient way of addressing veterans preference in the few remaining legislative days that we have left in this session.

Mr. Speaker, the bill before us today and tonight is, in fact, a good one. It authorizes emergency leave for our Federal employees. It strengthens our veterans preference. It improves the thrift savings plan and makes desirable modifications to the employment status of employees at the Fire Administration.

This legislation tonight and bills that we hope to pass in tomorrow's session can go a long way toward making it a better Federal workplace and a better Federal work force.

I urge my colleagues to vote for these measures and for this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I would be remiss if I did not also express the gentleman from Virginia's sentiments in expressing to the gentleman from Florida, as chairman of the subcommittee, for the outstanding job that he has done and the spirit of bipartisanship that we were able to work out the differences in bringing us to the floor at this point in time. I want to note that for the RECORD to the gentleman from Florida for the tremendous job that he has done in bringing this legislation to fruition.

Mr. MICA. Mr. Speaker, I thank the gentleman.

Again, I urge passage of this and, finally, thank the staff on both sides of the aisle for their tremendous contributions.

Mr. MORAN. Mr. Speaker, I am pleased to rise in support of S. 868 and the manager's amendment offered by Representative MICA.

S. 868 is a simple bill first proposed by the Office of Personnel Management after the tragic bombing in Oklahoma City. It makes it easier for federal employees to donate unused annual leave to their counterparts who have been adversely impacted by a disaster or national emergency. This bill passed the Senate unanimously last October and recently passed the Government Reform and Oversight Committee on voice vote.

To this legislation, Mr. MICA is offering a manager's amendment that incorporates other important provisions. The first makes important reforms to the Thrift Savings Plan and enables employees to participate in the plan earlier and to invest their funds in two new plans.

The Thrift Savings Plan is a very successful retirement plan that enables federal employees to save for their retirement. The provisions in this legislation will also provide federal employees the same flexibiliies enjoyed by their private sector counterparts who participate in 401(k) plans. This provision also allows federal employees to borrow against their accounts for any reason.

The second provision is the Veterans Employment Opportunities and Improvement Act. This legislation has passed the House by voice vote and makes some positive reforms in the application of our Veterans' preference laws. By attaching this provision to S. 868, the majority expects that we will be able to engage the Senate in a conference on this legislation and break the current deadlock.

Finally, the manager's amendment incorporates a provision that was introduced by Senator SARBANES and passed the Senate by voice vote. This is more a technical provision and will help remedy a situation that affects only a limited number of employees. I support the effort to enact this correction.

Again, I support this legislation and the manager's amendment. I hope it will have my colleagues' support as well.

Mr. BUYER. Mr. Speaker, I want to congratulate and thank Chairman MICA and his subcommittee for their magnificent efforts on this very important piece of legislation and for their dogged determination to shepherd this bill through the legislative process.

I had the honor of testifying before Mr. MICA's subcommittee, and I am doubly pleased that some of the points I brought out during the hearing are in the bill. I wish to stress that the most important provision—that of an administrative and judicial method for veterans to pursue their employment claims—is not an expansion of veterans preference, but a necessary provision to ensure just protection of their rights as veterans.

And to those who feel that veterans don't need the protections being provided to them in this bill, let me just quote an internal memo from Postmaster General Marvin Runyon to his Board of Governors. Mr. Runyon states that veterans preference will, ''have a detrimental impact on the Postal Service,'' it would ''tie our hands,'' and it would, ''be costly and make our personnel decisions more difficult and onerous.'' Finally, recognizing the average American's support for veterans he says, ''this is a difficult issue to oppose publicly, especially in an election year.''

The Postmaster almost got it right, but I would offer this. I would say that it is an issue that should never be opposed—election year or not—because veterans preference must remain the cornerstone of federal employment, simply because it is the right thing to do.

Veterans preference knows neither color nor gender, nor ethnic origin, whether the veteran is a Christian, Jew, Muslim or atheist. It is based on what is becoming a novel idea in this country—a willingness to sacrifice one's life for the good of the nation. I challenge anyone to point out a more appropriate group of citizens to receive some small advantage in securing and maintaining federal employment.

This bill will do much to reverse what I call a growing anti-veteran culture among bureaucrats. There is no doubt that women and minorities have suffered employment discrimination in both the federal and private sector. But let me stress that our military forces have been in the forefront of promoting women and minorities among the ranks, and it is time for federal hiring managers to put veterans first.

I am also pleased that S. 868 will apply veterans preference to non-political employees of the Congress, the White House, and the Judiciary Branch. The only thing special here is the nation's commitment to a very special class of person—veterans. The approach taken in the bill to these principles is reasonable and is not unduly restrictive.

Mr. Chairman, let me close by noting that a little over 50 years ago, we were just winding up the bloody Pacific Campaign. A few years later, our forces were fighting and dying to maintain democracy's foothold on the Korean Peninsula. Slightly less than 30 years ago, our forces distinguished themselves in turning back the Tet Offensive. And just five years ago, the men and women of this nation struck like lightning against Saddam Hussein. In less than 60 years those wearing the nation's uniform have earned this small benefit at the cost of nearly 520,000 deaths. This is a benefit that costs the government nothing while honoring what is truly national service.

I strongly urge my colleagues to join all the major veterans service organizations in their support of this bill and to vote in favor of S. 868.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from Florida, [Mr. MICA] that the House suspend the rules and pass the Senate bill, S. 868, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 868, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CLARION RIVER NATIONAL WILD AND SCENIC RIVERS DESIGNATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3568) to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System.

The Clerk read as follows:

H.R. 3568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''( ) CLARION RIVER, PENNSYLVANIA.—The 51.7-mile segment of the main stem of the Clarion River from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to an unnamed tributary in the backwaters of Piney Dam approximately 0.6 miles downstream from Blyson Run, to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 8.6-mile segment of the main stem from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills, as a recreational river.

''(B) The approximately 8-mile segment of the main stem from Portland Mills to the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, as a scenic river.

''(C) The approximately 26-mile segment of the main stem from the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, as a recreational river.

''(D) The approximately 9.1-mile segment of the main stem from the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson Run, as a scenic river.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, this is a good bill, introduced by our colleague Mr. CLINGER, which provides for the designation of 51.7 miles of the Clarion River in Pennsylvania under the Wild and Scenic River Act. About 60 percent of the river courses through Forest Service and State game lands, and the balance is abutted by private property owners. The Forest Service has studied this river pursuant to a directive by Congress several years ago. The Forest Service found strong local support for designation of the river, as attested to by a proclamation issued by Gov. Tom Ridge designating June 1996 as Clarion River Month.

The administration fully supports this legislation and I am aware of no objections to it, therefore, I urge my colleagues to support H.R. 3568.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, H.R. 3568 would designate 51.7 miles of the Clarion River in Pennsylvania, as a component of the national wild and scenic rivers system. I would note for the RECORD that we are being asked to

proceed to designate the Clarion River despite the fact that the wild and scenic river study that this House authorized in the 102d Congress has not been completed. However, we had favorable testimony on this proposal from the administration, the bill's sponsor, and the local community. That being the case we will not object H.R. 3568, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], the author of the legislation.

Mr. CLINGER. Mr. Speaker, it is an honor to stand here today and to rise in support of H.R. 3568—a bill to designate 51.7 miles of the Clarion River—located in Pennsylvania—as part of the National Wild and Scenic Rivers System.

This effort started 4 years ago when the Clarion River became eligible for study by direction of Public Law 102–271 which conveyed a wild and scenic designation upon the Allegheny River.

In March of this year, the Forest Service determined after lengthy analysis that 51.7 miles of the Clarion River contain outstanding scenic and recreational values of regional significance. Mr. Speaker, while I do not share the professional expertise of those who made this determination, I can attest to the fact that the eligible corridor is indeed a natural and beautiful environmental treasure.

The Clarion River corridor is located in the unglaciated Allegheny plateau, is free flowing and relatively slow moving. For that reason, more than 130,000 people have floated on the Clarion River in 1995. In fact, one of my staff members had the opportunity to float the river this summer during celebration of Pennsylvania Rivers Month during which the Clarion River was recognized.

Apart from the Clarion River's recreational value—which winds its way through the Allegheny National Forest—its hallmark is its beauty and serenity. I strongly believe that such a unique natural resource-especially in the eastern United States—should be preserved and protected for the enjoyment of this and future generations.

And judging from the communication that I have had with the residents of the area over the past 4 years, they overwhelmingly agree. During hearings on H.R. 3568 before Chairman HANSEN's Subcommittee on National Parks, Forests, and Lands, we heard positive testimony from two residents of the Clarion area—one private landowner and one travel and tourism representative.

The testimony of Ms. Kimberly Miller, a landowner herself and a self-described caretaker of the land, was especially important considering her property along the corridor has been in family ownership since 1883.

Another Pennsylvania resident came to the Capitol for the hearing last July to tell the subcommitttee about the economic benefit that will follow designation of the corridor. Mr. David Morris, executive director of a regional visitors bureau, stated that according to the U.S. Travel Data Center, more than $127 million are spent annually by visitors to the Clarion area. This translates into some 1,700 jobs and over $3 million in local tax receipts—jobs and revenue that might well be lost in the future if the extraordinary recreational values of the river became degraded.

Despite the many positive comments I received about H.R. 3568, and the outpouring of public support that fueled this effort from the start, that's not to say reservations have not been voiced, but the critics have been few and largely limited to those who oppose any designation under the act on philosophical grounds.

It has been my goal since the inception of this project to maintain an open dialog with any and all interested parties. Pending passage of this measure, drafting of the management plan for the river will be developed with the same goal in mind: to achieve consensus among local, State, and Federal agencies along with the interests of private citizens.

I believe it's important to note that H.R. 3568 does not contain any unfunded mandates; does not permit the Government to acquire land through condemnation since more than 50 percent of the land is publicly owned; and would merely require the continuation of a requirement to submit new permit applications for projects on public lands to be reviewed by the responsible State or Federal agency. This has already been the case since 1992.

Mr. Speaker, I want to very gratefully thank all of my Pennsylvania colleagues—Republican and Democrat—who lent their support to this effort, including 15 Pennsylvania House Members and both of our Members from the other body—who introduced companion legislation in the Senate. Their cosponsorship is testimony to the fact that preservation of our national resources is an issue that knows no boundaries—congressional or otherwise.

I believe the words spoken by one of my constituents best capture the sentiment and commitment by residents to see the successful conclusion of this effort, as part of our national infrastructure, this employer will not relocate for warmer weather or for less expensive labor as some other industries have done. The Clarion is part of us and is here as long as we are.

So, Mr. Speaker, in the waning days of the 104th Congress—which brings to a close my career as a Member of this House—it's a great opportunity to consider and pass this legislation which means so much to the people who have sent me back to Washington for the past 18 years. While I have been fortunate to guide many very important reform measures through the House this year, H.R. 3568 allowed me to work hand in hand with the citizens who are passionate about preserving our local resources for the benefit of fellow Pennsylvanians and all Americans.

With that, I want to thank Chairman YOUNG and Chairman HANSEN for their support over the past months in bringing this measure to the floor.

Mr. Speaker, I also express my appreciation to the gentleman from American Samoa for his willingness to also support the legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I certainly would like to commend the gentleman from Pennsylvania who is the chief sponsor of this legislation and am most appreciative of his comments. We do not have any additional speakers, but I want to say to the gentleman from Pennsylvania that hopefully sometime in the future I look forward to visiting the Clarion Wild River and perhaps even asking other Members.

I can say also to the gentleman from Pennsylvania, we have a very sensitive appreciation of what it means to try to pass legislation for not 1 year, not for 2 years, 3 years, but for 4 years. Sometimes our friends from downtown are not exactly very cooperative of some of the things that we here as Members have tried to do in formulating pieces of legislation.

With that, Mr. Speaker, I want to commend again the gentleman from Pennsylvania for bringing this piece of legislation to the floor and having the sense of bipartisanship and support of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 3568.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2200

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BURTON of Indiana). Is there objection to the request of the gentleman from Utah?

There was no objection.

WEKIVA RIVER, SEMINOLE CREEK, AND ROCK SPRINGS RUN, FL, NATIONAL WILD AND SCENIC RIVERS SYSTEM STUDY

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3155) to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 3155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

''( ) WEKIVA RIVER, FLORIDA.—(A) The entire river.

''(B) The Seminole Creek tributary.

''(C) The Rock Springs Run tributary.''.

SEC. 2. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

''( ) The study of the Wekiva River and the tributaries designated in paragraph ( ) of subsection (a) shall be completed and the report transmitted to Congress not later than two years after the date of the enactment of this paragraph.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, this is a noncontroversial bill, introduced by our colleague, Mr. MCCOLLUM, which authorizes the administration to conduct a study to determine if the Wekiva River in Florida should be designated for protection under the Wild and Scenic River Act. The river has rich biological diversity, and is already protected under Florida State law. The State of Florida supports protection of this river so strongly that it has already acquired 20,000 acres for preservation purposes along its shores. This legislation will enhance efforts already undertaken at the State and local level.

The legislation is supported by the administration which has been listed on the National Park Service's nationwide river inventory for potential study.

The bill directs the administration to complete their study in 2 years. The administration normally takes 3 years to complete wild and scenic river studies, but in this case, where so much is known about the river, that length of time is unnecessary. I know of no objections to this legislation and encourage all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, H.R. 3155 amends the Wild and Scenic Rivers Act by designating the Wekiva River and its tributaries in the State of Florida for study and potential addition to the National Wild and Scenic Rivers System. The administration testified in favor of the measure and we also understand that there is local support for such a study. The information to be gained from such a study should be helpful in providing for the care and use of these river resources. As such we have no objection to H.R. 3155, and I ask my colleagues to support this legislation.

I want to commend the gentleman from Florida [Mr. MCCOLLUM] for introducing this bill and again thank members of the Committee from both sides of the aisle for their support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add that this bill directs the administration to complete their study in 2 years. The administration normally takes 3 years to complete wild and scenic river studies, but in this case there is so much known about this river the length of time is unnecessary.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the sponsor of the bill.

Mr. MCCOLLUM. Mr. Speaker, I am pleased that we are now considering H.R. 3155, a bill to designate the Wekiva River, Seminole Creek, and Rock Springs Run in central Florida for study and potential addition to the National Wild and Scenic Rivers System. Naturally, I think this is a good bill and would like to express my gratitude for the work done by the Committee on Resources and the Subcommittee on National Parks, Forests and Lands. I would like to personally thank my good friends and colleagues Chairman YOUNG and Chairman HANSEN, as well as their knowledgeable, helpful staff for their efforts.

The Wekiva River Basin provides historical, recreational, and educational opportunities for residents and visitors. The area is rich in natural resources, and once provided a home for prehistoric inhabitants. Eleven archaeologic sites associated with various Native American cultures have been identified. The location of the Wekiva River also allows for the study of a diverse ecosystem and hosts a variety of flora and fauna, including several threatened species such as the West Indian manatee, the American bald eagle, and the Florida black bear. The Wekiva River and Rock Springs Run are also host to over 300,000 visitors a year. The river and the springs which feed into the basin provide visitors with opportunities for canoeing, swimming, fishing, hiking, and horseback riding along nature trails.

I am sure that the Wekiva more than qualifies for the designation of a National Wild and Scenic River. As someone who literally lives down the street from the river, I can personally attest to its delicate beauty and value that should be preserved. The river and its major tributaries are already designated as Outstanding Florida Waters and a State Wild and Scenic River, and the State of Florida has identified the land around the Wekiva as a priority for preservation. A national designation, should it follow after the study, would prohibit Federal agencies from altering, or granting a permit to alter, the natural flow of the river. These protections would ensure that the river remains a source of enjoyment and education for future generations.

Additionally, a Federal designation would be consistent with State policy, which has already recognized the importance of this river. The Secretary of the Florida Department of Environmental Protection has said that passage of this legislation would be a ''great example of local, State, and Federal governments, environmental organizations, and community leaders partnering for increased protection of one Florida's greatest nature treasures.''

Mr. Speaker, my bill has bipartisan support, and I have received assurances that the appropriate State agencies will work with the Department of the Interior to help expedite this study as much as possible. I believe the time has come for the Federal Government to consider making one of central Florida's treasures, the Wekiva River, a National Wild and Scenic River. I urge an ''aye'' vote.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the distinguished gentleman from Utah for yielding this time to me.

Mr. Speaker, I am pleased to join my colleague, the gentleman from Florida [Mr. MCCOLLUM] as a cosponsor of this legislation, and I want to salute his leadership. Mr. MCCOLLUM had the opportunity to represent this area before I came to Congress, and now, as my colleagues heard, lives close to the Wekiva River, and he has taken this step which really will do two things: first, the scenic designation which is so important; and also a second step will be to allow us to review what is going on with this river to see that it can be preserved and restored if necessary, for future generations.

So this is a piece of legislation that has a great deal of meaning for the gentleman for Florida [Mr. MCCOLLUM] and also myself. I am privileged to represent the 7th Congressional District of Florida, and that is the great growing area from Orlando to Daytona Beach which is just mushrooming since I was elected to Congress. We have two new cities in my district just in 3-plus years. So this area is being encroached upon by development and by other factors, and we do need to take a close

look at what we are doing in this natural reserve and preserve area.

I am also pleased and want to thank particularly Secretary Babbitt, the gentleman from Ohio, Mr. REGULA, Senator MACK, and others who have assisted us in trying to connect the Ocala National Forest with the Wekiva Estate Park and acquire 18,000 acres along this area. This Congress has done more than anyone in the history that I know of, of the State or the Congress, in preserving that area which will connect the national forests with the State park and also with the scenic designation do a great deal in preserving an incredibly beautiful area for future generations.

So again I am pleased to join the gentleman from Florida [Mr. MCCOLLUM]. I thank the gentleman for his leadership on this and others, and I urge my colleagues to pass this very productive legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida [Mr. MCCOLLUM] for his comments, and also as the chief sponsor of this piece of legislation. I am sure that the good residents of his district as well as the good people of Florida will benefit from this piece of legislation when it is passed.

Again in the spirit of bipartisanship on this committee I would like to thank him, and certainly also the gentleman from Florida [Mr. MICA] for his support, and again I ask my colleagues that we support this piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 3155, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1996

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3497) to expand the boundary of the Snoqualmie National Forest, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3497

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Snoqualmie National Forest Boundary Adjustment Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain private lands in the State of Washington presently owned by Weyerhaeuser Company and others are located adjacent to the Snoqualmie National Forest and are logical extensions of the forest.

(2) A boundary adjustment will facilitate a land exchange which involves approximately 7,200 acres of National Forest land and 33,000 acres of private land owned by Weyerhaeuser Company, of which 6,278 acres are outside the present Snoqualmie National Forest boundary.

(3) Weyerhaeuser Company and the Forest Service are prepared to exchange these lands, which will benefit both the United States and Weyerhaeuser by consolidating their respective land-ownership holdings and providing reduced costs for each party to implement their land management objectives, providing an opportunity to implement more effective ecosystem based management, providing increased recreation opportunities for the American public, providing enhanced fish and wildlife habitat protection, and supporting the ''Mountains-to-the Sound'' goal of a continuous greenway between the Cascade Mountains and Puget Sound.

SEC. 3. BOUNDARY MODIFICATION.

(a) IN GENERAL.—The Secretary of Agriculture is hereby directed to modify the boundary of the Snoqualmie National Forest to include and encompass 10,589.47 acres, more or less, as generally depicted on a map entitled ''Snoqualmie National Forest Proposed 1996 Boundary Modification'' dated July 1, 1996. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundary of the Snoqualmie National Forest, as modified pursuant to subsection (a), shall be considered to be the boundary of that National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in support of H.R. 3497, introduced by Ms. DUNN of Washington. This legislation modifies the boundary of the Snoqualmie National Forest to facilitate a land exchange. It is needed because approximately 6,300 acres of land that would be exchanged to the Government is outside the national forest boundary. H.R. 3497 is a bipartisan bill, introduced by the entire Washington delegation, and it has support from the administration and the public.

The land exchange has been 12 years in the making. It is the result of a collaborative effort between the Sierra Club's Checkerboard Project and the Weyerhaeuser Co. The Forest Service will exchange approximately 7,200 acres of national forest land for 33,000 acres of private lands owned by the Weyerhaeuser Co. The exchange is based on equal values of land and timber.

In addition to the trade, the agreement will result in a substantial donation of land from Weyerhaeuser to the Forest Service, including approximately 900 acres which will be added to the Alpine Lakes Wilderness.

Since 1991, surveys of the land and timber resources have been completed, and the biological, archaeological and wetland resources on the two ownerships have been thoroughly studied. In July, 1996, the Forest Service completed a draft environmental impact statement [EIS] for the land exchange and requested public comment on the proposal. Three public meetings were held to discuss the land exchange and the draft EIS. Once a final EIS and record of decision are completed, H.R. 3497 will provide the authority the Forest Service needs to acquire the lands that lie outside the current forest boundary.

I commend my colleague, Ms. DUNN, for her leadership on this excellent measure. The environment and the people of the Puget Sound region will benefit as a result. I urge my colleagues to support this legislation and vote with in favor of H.R. 3497.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I am unaware of any problems with this legislation, H.R. 3497. The bill would alter the boundaries of a national forest in the State of Washington to facilitate a land exchange that appears to be in the public interest. I understand the bill has the support of the various interested parties and I have no obligation to the legislation.

Mr. HANSEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 3497, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3497, the bill just considered.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Utah?

There was no objection.

INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT REAUTHORIZATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1834) to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes.

The Clerk read as follows:

S. 1834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 502(h) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(h)) is amended by striking ''$15,000,000'' and inserting ''such sums as may be necessary''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

S. 1834 would reauthorize the Indian Environmental General Assistance Program Act of 1992. That Act provides general assistance to Indian tribes so that they can address environmental issues on Indian lands.

Through the funding provided in this Act, Tribes are able to implement solid and hazardous waste programs on their own lands. In this way Tribes are able to fulfill self-government requirements by managing their own affairs using their own expertise and their own experience.

To date over 100 tribes have received grants under this act. At present tribes are developing environmental agreements which will identify environmental priorities and which will allow Tribes to implement programs for water quality, solid waste management, air quality, and pesticide management.

This is an important bill, Mr. Speaker. It authorizes such sums as may be necessary for what I understand is vital funding to Indian Tribes throughout our Nation.

□ 2215

I recommend a yes vote on H.R. 1834, and I reserve the balance of my time, Mr. Speaker.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I nay consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, S. 1834 simply amends the Indian Environmental General Assistance Program Act of 1992 to change the authorization of funds available under the program from the current level of $15 million to ''such sums as may be necessary''. Funding levels will still be subject to inclusion in an appropriations bill and submitted each year to Congress.

This program awards general assistance grants to Indian tribal Governments to enhance their ability to manage environmental programs on Indian lands. To date approximately 100 tribes have received multi media grants allowing them to develop and implement environmental protection procedures. However the need far outweighs the current limit on funding. $28 million is included in appropriations language for fiscal year 19997 for this program.

With the grant assistance from this program, Indian tribes have developed comprehensive environmental programs in the areas of solid and hazardous waste management, water and air quality, and pesticide management. The Penobsoct Indian Nation of Maine has established an award winning water resources program. This program had been nationally recognized as a model for State-Tribal-Federal cooperation. Some tribes have been able to clean up solid and hazardous waste sites on their land with the help of this program. Still other tribes have closed open-air dumps, established recycling programs, identified leaking underground storage tanks and potential superfund sites.

Mr. Speaker, the cost of this program is minimal compared to the return this nation, in cooperation with American Indian nations, gains. I urge my colleagues to support passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. [Mr. BURTON of Indiana]. The question is on the motion offered by the gentleman from Utah, Mr. HANSEN, that the House suspend the rules and pass the Senate bill, S. 1834.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1834, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF RULES ON THURSDAY, SEPTEMBER 26, 1996

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, pursuant to House Resolution 525, the following bills are expected to be considered under suspension of the rules on Thursday, September 26:

H. Con. Res. 180, Commending Americans in Cold War;

H.R. 3874, Civil Rights Commission;

H.R. 2977, Administrative Dispute Resolution Conference Report;

H. Con. Res. 145, Re: Removal of Russian Forces from Moldova;

H. Con. Res. 189, Re: U.S. Membership in South Pacific;

H. Con. Res. 51, Removal of Russian Troops;

H.R. 2579, Establish Tourism Board;

H.R. 3841, Civil Service Reform Act;

H.R. 3973, Alaska Natives;

H.R. 3752, American Land Sovereignty Protection;

H.R. 3068, Prairie Island;

H.R. 2505, Alaska native Claim Settlement Act Amendments;

H.R. 4168, Dealing with the sale of Helium;

H.R. 2660, Tensas River National Wildlife;

S. 1802, Wyoming Fish Conveyance;

H.R. 3804, Agua Caliente;

H.R. 4011, Congressional Pension Forfeiture Act;

S. 1970, National Museum of American Indian;

H.R. 3700, Internet Election;

S. 640, Water Resources Development Act Conference Report;

H.R. 3159, NTSB; and

H.R. 4138, Hydrogen Research & Development.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING RETIRING WOMEN MEMBERS OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to give this special order honoring the women Members who will be

retiring next year. I am saddened that so many talented women are planning to leave Congress, and I wanted to take this opportunity tonight to express our gratitude for their many contributions during their years of service.

I am going to proceed in order of years of service—first, PAT SCHROEDER, the dean of the women Members of Congress. PAT was elected in 1972, and became the first woman to serve on the House Armed Services Committee. During her service on that Committee, PAT has been the champion of women in the military and military families. She has also served on the Judiciary Committee for many years, where she led the fight to expand civil rights protections and reproductive rights for women.

For 1979 until 1995, PAT served as the co-chair, along with Senator OLYMPIA SNOWE, of the Congressional Caucus for Women's Issues. Under their leadership, Congress approved a number of landmark bills, including the Family and Medical Leave Act, the Violence Against Women Act, the Civil Rights Restoration Act, the National Institutes of Health Revitalization Act, which made great strides in bringing equity to women's health research, and so many other reforms benefiting women and children. I have been honored to be one of the two co-chairs, along with my colleague and good friend, NITA LOWEY, to succeed PAT and now-Senator OLYMPIA SNOWE.

PAT also served for many years as the chair of the former Select Committee on Children, Youth, and Families, and brought national attention to a number of issues facing children and families. She is currently serving as chair of the Women's Caucus Task Force on Children, Youth, and Families. I also had the pleasure of serving with her on the former Committee on Post Office and Civil Service, where she served as chair of the Civil Service Subcommittee, and I can also attest to her commitment to federally employed and retired women.

It is hard to imagine this House and the Women's Caucus without PAT SCHROEDER. She will be greatly missed.

CARDISS COLLINS is another distinguished senior woman in the House and the longest serving African-American woman in Congress. I have had the pleasure of serving with her on the Committee on Government Reform, and I have been impressed with her perseverance on that committee. She has been a strong advocate for women, families, the poor, and Federal workers and retirees.

During her service in Congress, CARDISS has worked to improve the health of women and minorities. She was the sponsor of legislation extending Medicare coverage for mammography screening and sponsored legislation that expanded Medicaid coverage for Pap smears. CARDISS sponsored legislation that established a permanent Office on Minority Health at NIH, and is the author of several laws addressing child abuse prevention and child safety.

CARDISS has been particularly active in fighting for gender equity in college athletics. Her advocacy of title IX led to her induction into the Women and Girls' Sports Hall of Fame in 1994. CARDISS' leadership on these issues has been instrumental, and she will be missed.

BARBARA VUCANOVICH has served in this body for seven terms, and is the first woman elected to a Federal office from Nevada and the first Nevadan to serve in a leadership position in the House; she was elected secretary of the Republican Conference earlier this year. She is the only Republican woman on the Appropriations Committee and she is the second woman in history to become an appropriations subcommittee chair.

BARBARA has made many contributions to equity in women's health research. As a breast cancer survivor, BARBARA has brought her own experience to the fight against breast cancer. In her work on the Appropriations Committee, she has been a champion of breast cancer research, both at the National Institutes of Health and the Department of Defense. She has been a vocal advocate for regular and affordable mammograms and is the sponsor of legislation to provide annual mammograms for older women under Medicare and Medicaid. BARBARA's efforts on behalf of women and families will be missed, and I know that she will continue her work for breast cancer prevention and research after she leaves Congress.

JAN MEYERS was first elected to the House in 1984, and is currently the Chair of the House Small Business Committee, the first Republican woman since 1954 to chair a House committee. Her expertise on small business issues has been invaluable, and she chairs the Women's Caucus Task Force on Entrepreneurship and Economic Equity. JAN has worked very hard to restore the home office deduction and she has focused on promoting tax incentives and regulatory relief for small businesses. She has also worked to expand access to capital for small businesses.

JAN has been a consistent and strong supporter of the rights of women, particularly the reproductive rights of women here in this country and abroad. She has served on the International Relations Committee, where she has pursued her commitment to raising the status of women in developing countries. Last year, JAN sponsored amendments to both the foreign aid authorization and appropriations bills to protect family planning funding so that women and their families can take control of decisions relating to the size of their families and the spacing of their children. I am saddened to see JAN go, and her strong support of women and families will be sorely missed.

BARBARA ROSE COLLINS was elected to Congress in 1990; she was the first African-American woman elected to the U.S. Congress from the State of Michigan. I have served with her on the Committee on Government Reform and Oversight, where she is the ranking member of the Subcommittee on Postal Service. During the 103d Congress, BARBARA-ROSE served as the Chair of the Subcommittee on Postal Operations. During her service in Congress, BARBARA-ROSE sponsored legislation to combat stalking and to increase breast cancer research. She also chaired the Congressional Caucus on Children, Youth, and Families in the 103d Congress. I know she will continue her work on behalf of women and families after she leaves this body.

BLANCHE LAMBERT LINCOLN became the first woman to represent the First District of Arkansas when she was elected in 1992. BLANCHE serves on the Commerce Committee, and helped form The Coalition, a group of conservative House Democrats who have sponsored a number of important legislative initiatives. The Coalition has worked with the Tuesday Group, a group of moderate Republicans, to which I belong, and I believe our groups have contributed a great deal to the compromises developed on a number of issues in this Congress. BLANCHE has also done a great deal to enhance rural development in her district. I congratulate her on the birth of her twin boys this summer, and I am sure that her departure from public service is only a temporary one?

ENID GREENE was elected in 1994, and was the first Republican freshman to be appointed to the House Rules Committee in 80 years. She serves on the Congressional Family Caucus, the House Small Business Survival Caucus, and the Executive Committee of the Republican Congressional Committee. ENID has been a strong advocate for lobbying and budget reform. She also has the distinction of being the first Republican Member of Congress to give birth while in office. I wish her well in the future.

Mr. Speaker, the departure of these many women Members is a great loss for this body. I will be working with these distinguished Members and my colleagues on both sides of the aisle to ensure that more women are assigned to important committee positions and that more women run for leadership posts in both parties. I salute these outstanding women members of Congress, and I look forward to continuing to work with them after they leave the House.

Mr. Speaker, I believe very firmly that every time a woman is elevated, all women are elevated, and society is richer for it.

RETIRING WOMEN MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of our seven retiring women Members of Congress, women who have diligently served their constituents and paved the road for many women ahead.

CARDISS COLLINS

First, I wish to recognize Congresswoman CARDISS COLLINS, the longest serving African-American woman in Congress. Congresswoman COLLINS has worked to improve the quality of health care for women and minorities.

She has authored legislation which expanded Medicare coverage for mammographies and Pap smears which detect cervical and uterine cancers.

In addition, the Congresswoman was the guiding force for legislation which established a permanent office on minority health within the National Institutes of Health.

Not only has Congresswoman COLLINS forged the way for women and women's issues, she has also made significant strides in other legislative areas.

As chair of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, she enacted the Child Abuse Prevention Act and the Child Safety Protection Act.

The Congresswoman's efforts also led to the adoption of the Aviation Security Improvement Act.

Congresswoman COLLINS has been the first in many of her endeavors, including:

First woman and African-American to be Democratic whip-at-large;

And, first woman and African-American to serve as chair of two subcommittees: (1) the Government Operations Subcommittee on Manpower and Housing, and;

(2) Subcommittee on Commerce, Consumer Protection, and Competitiveness. And the list goes on.

Our working together in Congress has been great, but it does not surpass our social and personal relationship that has grown over the years.

I met CARDISS shortly after she came to the Hill, and I was one of her sponsors for membership in both Alpha Kappa Alpha Sorority, Inc., and the Links Inc.—two organizations that are near and dear to my heart.

I have enjoyed sharing my family with her family. She knows that my door is always open to her, and vice versa. I have always been greeted with open arms and enjoyed her home-cooked meals * * * and there is nothing better than CARDISS COLLINS home-cooked rolls!

There is no doubt that I, along with your constituents and other Members of Congress will miss the wisdom and energy you brought to the House.

Congresswoman COLLINS, please know that we appreciate all that you have done and what you symbolize. I know that you have inspired other women to fulfill their leadership potential.

PATRICIA SCHROEDER

As the longest-serving woman in the House, Congresswoman SCHROEDER's outspoken and independent voice will be greatly missed by all of us.

Through the years, Congresswoman SCHROEDER has worked tirelessly and has demonstrated leadership in the areas of foreign and military policy, arms control and disarmament, as well as women's economic equity and health, and educational opportunity.

From 1979 until 1995, Congresswoman SCHROEDER cochaired the Congressional Caucus for Women's Issues.

Under her leadership, the Caucus launched an effort to improve women's health policies by submitting a comprehensive legislative package entitled the ''Women's Health Equity Act.'' During the 103d Congress, several bills from this act were signed into law.

On a more personal note, I was a part of your audience during your brief pursuit for the office of the Presidency.

I have no doubt that with all of the knowledge and leadership abilities that you possess, we will definitely see you again in the political arena.

Congresswoman SCHROEDER, tonight I join with my colleagues in commending you for your many hard fought battles on behalf of the women and children of the world.

BARBARA ROSE COLLINS

As a fellow Congressional Black Caucus member, I would also like to wish Congresswoman BARBARA ROSE COLLINS well in her retirement.

BLANCHE LAMBERT LINCOLN

Congratulations also to Congresswoman BLANCHE LAMBERT LINCOLN, my classmate from the neighboring State of Arkansas.

Congresswoman LINCOLN, you are a bright and rising star. Good luck as you take your sabbatical to share your time with your family.

Finally, though I have not had long acquaintances with the other retiring Members, I hear that there is life after office.

I hope that you will have positive and fruitful experiences whether you choose to focus on family or continue to serve the public.

Best wishes all.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

[Mrs. LOWEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

[Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LAHOOD] is recognized for 5 minutes.

[Mr. LAHOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

[Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOUGHTON] is recognized for 5 minutes.

[Mr. HOUGHTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

[Mr. MICA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Ms. DUNN] is recognized for 5 minutes.

[Ms. DUNN of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

[Mr. MCINNIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 2230

REVIEW OF CONTRACT WITH AMERICA AND OTHER ACCOMPLISHMENTS OF 104TH CONGRESS

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of May 12, 1995, the gentleman from Mississippi [Mr. WICKER] is recognized for 60 minutes as the designee of the majority leader.

Mr. WICKER. Mr. Speaker, this Friday marks a very significant day for me and many of my colleagues and, most importantly, for millions of Americans. This Friday, September 27, is the 2-year, is the 2-year anniversary of the signing of the Contract With America. When more than 300 Republicans gathered on the steps of the U.S. Capitol in 1994 to sign the Contract With America, it was not some kind of campaign gimmick. It was a commitment that we made, a signed contract with the people of the United States.

At this point the pages are bringing a copy of that contract to the well to place by my colleague, the gentleman from Minnesota [Mr. GUTKNECHT].

We promised if we were elected to the majority 10 broad legislative proposals would be debated, discussed and voted on by the full House of Representatives. For years, many of these issues had been bottled up in committee, never making it to the floor, never seeing the light day, the positions of our elected officials never examined by public scrutiny.

We set out to change that by making a solemn promise to the people of America, not an empty promise. The American people deserve much more than that. That is why we put our promise in the form of a signed contract.

All too frequently in today's political arena, promises are made and then not kept. Representative government, our government, Mr. Speaker, is not well served when our elected officials say one thing at home on the campaign trail, but then take office and come up here to Washington and do something other than that which they promised. This dishonest practice undermines the very fabric of our government's integrity and further promotes the negative cynicism with which Americans view Congress.

The Contract With America was the first step in changing that negative perception of Congress. We put forth a positive agenda, an agenda that sought to help make this great country an even better place to live, work and raise our children.

Mr. Speaker, we campaigned on a positive agenda, and we were elected to a majority on that agenda. We changed the direction of debate in Washington through that agenda. No longer are people talking about a larger Federal role. The discussion and debate now in Washington, DC, is how we can make government more efficient, how we can make the Federal role small, and emphasize individual responsibility and State and local control. And, best of all, we kept our word to the American people.

At this point, I want to quote a story written by columnist David Broder, dated April 9, 1995. True words then and just as true today. David Broder said this: ''It is healthy for our politics and politicians, regardless of affiliation, when the public sees elected officials doing what they promised.''

Mr. Broder goes on to say, ''The greatest threat to our system of government is rampant cynicism. The best cure for cynicism is to demonstrate that campaigns and elections really matter,'' and Mr. Broder then says, ''The House Republicans have provided such a demonstration.''

For over 40 years, one party held the majority in this House of Representatives. As a result, we have high taxes. Almost 40 percent of a family's income goes to pay for government. We have mountains of bureaucratic regulations, bigger government, but we also have lower student test scores and a skyrocketing crime rate.

In 1994, Republicans summoned the courage to finally throw down the gauntlet and offer the people what they said they wanted and what they deserved, a balanced budget amendment, tax relief for families, safe neighborhoods for themselves and their children, an end to the lifelong dependency on welfare, a Congress which will be accountable to those people they serve. But in the history of American politics, there have been few occasions where something has been so misrepresented and so maligned as the Contract With America.

Our colleagues from the other side of the aisle have spent literally hundreds of hours on the floor attempting to destroy and to distort what the Contract With America means and what we stand for.

Just to provide you some examples, Mr. Speaker, a colleague of mine from the other side of the aisle took the floor the other day and said the Contract With America would have cut Medicare, a completely false statement. There is nothing whatsoever in the Contract With America about Medicare, much less cutting Medicare. That it would have cut environmental protection, cut education, all to give tax cuts to the wealthy. Four completely erroneous statements in the space of one sentence. It is enough to take your breath away, Mr. Speaker.

Another quote from the Boston Globe: ''Republicans' Contract With America failed to capture the hearts and minds of the average American family, especially that new breed, the Reagan Democrats.''

And then the would-be Speaker, our current minority leader, said earlier this year, ''This was supposed to be the Congress of the Republican contract and somewhere along the line we've got a lost contract there.''

I will tell you where the contract is, to my distinguished colleague from Missouri, the contract is 65 percent signed into law right now. Sixty-five percent of the items that we voted on in the Contract With America have not only been passed by this body, but have been passed by the U.S. Senate and signed into law by the Democrat President of the United States.

Under the Contract With America, the 104th Congress took the first steps toward transforming government, not only to provide a smaller, more efficient government but a better government. We passed legislation as part of the contract that moves power, money and authority from inside the Beltway to the States, communities and families.

Tonight, Mr. Speaker, I am joined by several of my freshman colleagues from all across the Nation, north, south, east and west, and we are here tonight to set the record straight.

First, contrary to the inflamed rhetoric of my Democratic colleagues and much of the news media, the Contract With America was largely successful. I know that my friend from Minnesota is chomping at the bit to get in his two cents' worth, and I at this point yield to the gentleman from Minnesota [Mr. GUTKNECHT]. Certainly I know that he shares my frustration when we have 65 percent of the contract passed, 74 of the separate pieces of legislation were offered, and 48 of these are part of the law of the land.

Mr. GUTKNECHT. I would like to thank my colleague from Mississippi and I am delighted we have a good turnout tonight of some of our fellow freshmen. I would like to talk a little bit first of all about the revisionist history. I think it was Mark Twain who said, ''Truth is incontrovertible. Ignorance may deride it, jealousy may attack it, but in the end there it is.''

I think if the American people will take just a few minutes to examine what we promised 2 years ago tomorrow, and what this Congress actually delivered for the American people, I think they will come to the conclusion that first of all we meant what we said, we said what we meant, and that in the end I think their will has been done by this Congress. For the first time in 40 years, we have a Congress that not only has listened to the American people but has responded as well.

I don't want to take too much time tonight, but I do want to share a couple of observations and memories of those days, and those days that I remember, the most remarkable days of all, were those glorious days and the first was on September 27, 1994 when we signed the contract. It was a glorious day. In fact, if you recall, it was kind of cloudy early in the morning but as we approached the Capitol steps, and there

were over 300 of us there, the sun began to shine and it was almost like it was providence or prophetic that the sun came out on America again and that there was going to come a day when the sun would shine here on this Capitol and inside this Capitol building as well.

The other day that I remember that was so glorious was election day. I don't know if ever I told this story or not, but when we were watching the returns back in Rochester, Minnesota, I think it was Dan Rather, he announced that it appeared that I was going to win the 1st Congressional District seat, a seat that had been held by the Democrats for 12 years, and in the next breath, he said, ''It now appears that the Republicans will have enough votes to control the United States House of Representatives and that NEWT GINGRICH will be the next Speaker of the House.''

Well, that was certainly a glorious day for me and I think for all of us here. But again I think it was a glorious day for all Americans. And then of course the other glorious day was the day that we were all sworn in and for the first time in 40 years the power of the United States House of Representatives changed hands.

I will never forget the very next day, DICK ARMEY, our majority leader, I was standing behind him and he was interviewed by a reporter, I think, from the New York Times, and the reporter asked our majority leader, the reporter asked, ''How does it feel now that the American people have given you this power?'' And he said something incredibly important then. He said, ''The American people haven't given us power. They loaned us power. They gave us responsibility.''

And so we began on the Contract With America and on that very first day, I remember 2 days before, I was called by the leadership and I was asked if I would take the leadership role on the adoption of the rule for the very first bill, H.R. 1, the Congressional Accountability Act. I sort of thought about it a minute and I said, Well, I'm not certain that I can handle that much responsibility on my very first day on the job but I said yes. And the interesting thing was that the leadership had enough confidence in this freshman class that they let us take the lead on the adoption of every rule of the first 10 items of changing the rules of the House the very first day on the job here in the House of Representatives.

We marched through it that night, we passed the Congressional Accountability Act, we passed the Congressional Audit Act, we made, as I say, the House live by the same laws as everybody else. We ended the idea that chairmen of committees could serve forever. We put term limits on chairmen. We opened up the committee process. We eliminated proxy voting. All of that happened on the very first day and what a glorious day it was. And it was as if almost that the dam had broken and we had begun to change the course of history.

And then we marched on down through the rest of the contract and again I was very proud of this House, because every day, I will never forget as well when we started the House sessions, we would read the Contract With America and it kept us on message, it kept us in focus, it kept us doing what we said we were going to do.

So it was a very positive time in American history and I was very proud to have played a part of it. I know we have got other freshman colleagues and I know they have got a lot of other observations, but I thank the gentleman from Mississippi for asking for this special order and I am thankful that I have had an opportunity to participate.

Mr. JONES. If the gentleman will yield, I really appreciate the opening remarks by the gentleman from Mississippi, my southern friend. But the gentleman from Minnesota talked about the first day and I think that is so important because again it was the beginning of the Contract With America. You mentioned the fact that chairmen were restricted on committees. I believe I am correct, please correct me if I am wrong, that a chairman will serve for 3 terms, meaning 6 years. The Speaker of the House would only serve for 4 terms, 8 years. And that was a drastic change in the operation of the House, because there had been chairmen that served for 15, for 18, for 20 years and Speakers that go back to John McCormack from Massachusetts who I think served for like 20 or 25 years.

So that very first day, as you well stated, was the beginning of listening to the American people, that we were going to change the way that the Congress, the House of Representatives, operated. I think that set the tone for a very successful 104th Congress. I just wanted to commend the gentleman on his comments.

Mr. WICKER. If I could simply add to that point made by my friend from North Carolina, it might seem to some Americans that perhaps those first day reforms were inside the Beltway, inside Congress reforms, but actually everything we have done with the Contract With America, everything we have stood for with the Contract With America has been to help the lives of individuals out there running their businesses, getting their kids off to school, and even those first day reforms affect the lives of local citizens all across the 50 States. When Congress agrees finally for the first time in the history of this Republic to abide by the laws that it has foisted off on the rest of the American public, I think everyone agrees that we are going to see better laws passed, that we are going to see more responsible regulations. When we as Congressmen now know that when a regulation is passed on that plumber in Tupelo, MS, that we have to abide by that same wage and hour law ourselves.

I yield to the gentlewoman from California.

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Mrs. SEASTRAND. It was great to meet all of you 2 years ago on the steps of the Capitol. We were excited and I still am about what we accomplished in this 104th. I know we all came to Washington to try to move the money, the power, the influence out of this place, and rush it to the folks back at home, the ones that we represent.

But what was interesting, after signing the contract, I just want to remind people that what our promise was was that we were going to bring 10 items up for consideration on this floor, items that were gridlocked in committees, never saw the light of day. They were simple things, things that people back home wanted to have debated.

I would like to remind people what some of these are. We talked about changing the way this place was run, but let us take a look.

Many times people say, oh, well, you all thought of that in some back smoke filled rooms. No, these items were brought into being because the folks at home across America were interested. They wanted to see these items debated. Like the balanced budget amendment, line item veto, stopping violent criminals by having them really have death sentences for violent offenders, definitely saying if you do the crime, you are going to do the time. Welfare reform, protecting our children by giving parents greater control over education and forcing child support payments, getting tough on child pornography.

And they the issue of tax cuts for working families, to say that if you are going to have that American dream, we want to give you the ability to save some dollars, buy a home and send the kids to college. A strong national defense. By golly, if we are going to send our men and women across to different countries, they are going to serve under their Commander in Chief, our President of these United States, and to wear the red, white and blue, and not some symbol of the United Nations.

To raise senior citizens' earning limits, to say to our seniors, you are going to keep what you make. We want you to keep more of what you make. To roll back government regulations, so that in our districts across this Nation, those that are in a small business can make it. And they can hire perhaps one or two more people so we can have job opportunities for people.

Naturally, common sense legal reform, because we have those frivolous lawsuits, the overzealous lawyers. And, as I said, congressional term limits. These were items important to the American people.

Mr. Speaker, I just wanted to break in here and remind people, not only changing the rules, with term limits for chairmen and such, but we wanted to change and bring about things not discussed on this floor.

I would agree with the gentleman from Mississippi with revisionism in history, because here I pick up one of the newspapers from Capitol Hill, Wednesday, September 25, and here is the opening statement: On Friday, House Republicans will convene on the Capitol steps to celebrate a 2-year anniversary of a document that they no longer talk about and an agenda that was never fully enacted.

Well, you know, when I am at home, some of the people that oppose what we are trying to do will say it is a failed contract, and I chuckle. Every time I speak to the Rotary, to the Lions, the Kiwanis, meet with the League of Women Voters and such, I talk about balancing the budget, line item veto, welfare reform, seniors keeping more of what they earn. It is just interesting to me, because somehow, the message is out across this land that the contract has failed.

I am so pleased that you have brought that pie chart to show how even our Democrat colleagues supported the Contract With America, those items Americans wanted us to bring up. And I think we should take it as a compliment that at the Democratic National Convention, the President of these United States, Bill Clinton himself, took credit for many of the accomplishments. Whether it was tax cuts for small businesses, the line item veto, the Congressional Accountability Act that says Congress has to live under the same laws we all have to live under, unfunded mandate reform, the Personal Responsibility Act, the welfare reform bill, and long-term care insurance deductions. All of those were in the Contract with America.

I was pleased, I guess that if the best form of flattery, when someone takes your ideas and says that they are theirs, or they belong to the President.

So I am just pleased to join my colleagues from across this Nation, freshmen, very eager freshmen, when I first met you. And, you know what? You still are. We are going to be excited to come back and continue with many of these reforms that we worked on.

So, gentlemen, congratulations. I am going to see you again on the steps of the Capitol come this Friday, and we are going to have a great celebration. I do not know about you, I am going to tell it from the roof tops of Santa Barbara and San Luis Obispo Counties in California and talk about our successes, our accomplishments here in this 104th. I think the people of this country are going to be proud of us, they are. They are always telling me to hang in there, and we are going to see them once again on November 5, telling us they are pleased with our accomplishments.

Mr. WICKER. The gentlewoman from California is not only one of the most principled and determined Members of our freshman class, but also, as you can see, she is one of the most articulate advocates for a common sense conservative point of view with the Contract With America.

We are joined by my colleague from Maryland, Mr. EHRLICH. Welcome to this conversation.

Mr. EHRLICH. I thank my good friend, the gentleman from Mississippi, and the gentlewoman from California. It has been great serving with you. I look forward to another 2 years.

The gentlewoman from California, the gentleman from Minnesota, and the gentleman from North Carolina have talked about this new opportunity agenda that was brought to Washington in 1994. But I was just standing here thinking about, this is substance. This is statute, this is regulation, this is law. This is what we get paid to do. And I submit, we will talk about this, and I think it is equally important to talk about the new mindset that this group brought to this town. I think that is of equal importance, and certainly as important as the substantive agenda that we have all talked about.

We come to this floor every day, and we hear, particularly Republican freshmen, characterized as extreme and dangerous, whatever adjective you can think of. And you know what? They are right. In this town, this new mindset is extreme and dangerous and unique and unprecedented.

Think about it. A group of folks all over the country who actually have a concrete set of principles that they actually believe in, actually lived in their own lives in the private sector, banding together on the steps of the Capitol and saying to the American people, if you elect us, we will bring these initiatives that we actually believe in to the floor of the House for a vote. Having these same folks get elected, come to this floor, and actually do it.

No misrepresentation, no politics as usual, not the old political con. Actually having people of principle come to this town and do exactly what they said they would do during the course of the campaign, real follow-up, promises made, promises kept, and that is extreme and dangerous and unprecedented and unique. And I submit that this town has not seen a group like this in many years.

The gentleman from North Carolina, my good friend, Mr. BURR, has a comment on my comments, and I welcome the gentleman. I will just close with this point: This opportunity agenda, and the gentlewoman from California just read portions of this opportunity agenda, I had my first debate the other week, and my opponent talked about the Contract With America and running from the Contract With America. Running from the Contract With America. These principles define not only this group, but the majority of Americans, a majority of Americans who work and have a stake in this country and in this country's future. That is this agenda, two-thirds signed into law already, 20 percent vetoed by this President. We have some problems. We have made a great start. We have a long way to go. It has been my pleasure to serve with you during these first 2 years.

The gentleman from North Carolina.

Mr. BURR. I thank the gentleman for yielding. Mr. EHRLICH's comments remind me of a story shortly after finishing the Contract, when a journalist came up to me and said, ''Congressman, many people in this country consider you to be extremist and radical. What do you think about that?''

I think Roger was in the room with me when the question was asked. I leaned across the table, and I said to this journalist, ''If you think I am radical and extremist, you ought to see the people that elected me.'' And the reality is when we talk about the mind set change in Washington, what we are a reflection of is the people who sent us here. They sent us with a very clear message. And I am like Bob: The label of ''extremist'' and ''radical,'' that does not worry me, because I still carry the Contract. And I challenge any person who wants to debate policy to look at the Contract and tell me what is extreme, what is radical? What would you not attempt to achieve for the American people and/or families across this country? Because the reality is maybe we did not name this right.

Maybe it should have been ''The Common Sense Contract With America,'' because in fact that is what it reflects. As our dear colleague from California discussed, the reality is that this was not too tough to come up with. The reality is that these 10 points were probably items that all 87 Republican and Democrat freshmen came here with a conviction and a commitment stronger than anybody here to accomplish this task, to bring common sense to Washington.

Mr. JONES. If the gentleman would yield on that point, would you please remind us of how much during the President's speech at the Democratic National Convention, how much he tried to take credit on the issues that were in the Contract With America that we passed, and now he is trying to take credit for, that we the Republicans passed? Would you please remind me of that figure?

Mr. BURR. The gentleman has a good point, and I have always learned that math is calculated differently in Washington than it is in the rest of the country. But by North Carolina arithmetic, he hit on 7 of the 10 points of the contract that he highlighted as successes of this administration. I believe that in fact 58 percent on average of the Democrats in the House of Representatives supported Contract items.

Mr. WICKER. That fact is supported by the chart in the well there.

Mr. BURR. It is supported by the chart. And the reality of it is this was not a contract that had a political face. It did not have partisan leanings. When laid out and debated on the House floor, which every item was, 58 percent of the Democrats agreed with the common sense initiatives of the Contract With America. The realities are that

when you look at the American people and you ask them about the importance of the issues that we discussed, we debated, and eventually we passed many of them, the reality is that the majority of Americans are in agreement with us.

So maybe if in fact we are extremist or radical, so is America. But I think we knew before we came that the American families were fed up with business as usual in Washington. And I think when you look back on the record, our good friend from Minnesota pointed out very clearly that on the first day, a historical event happened: Congress went to work. And as we stand here tonight, I do not think that we have had a break since then, it seems like.

But the reality is we have accomplished a lot, not only with the contract, but with very important environmental legislation, with health care reform, with issues and legislation that no other Congress in the past 6 to 8 years has been able to move through this body. In fact, the accomplishments of this Congress I think will be historical. Not by the standards of the Contract With America, but by the standards of what this country needed and the right policy that we promoted.

Mr. ENSIGN. If the gentleman will yield, let another Westerner jump in on this fun conversation you all are having here tonight, just to make a comment. Based on what the gentleman from Minnesota probably saw that day standing on the steps of the Capitol when the sun broke through coming from Minnesota, that might have been a rare sight. Coming from southern Nevada, we see it will about 365 days a year, so it probably was not as spectacular a new sight for me.

I am on the Committee on Ways and Means. I was one of the three freshmen appointed to the Committee on Ways and Means, because our leadership had confidence in this freshman class, actually the first Republican freshmen appointed since George Bush back in 1967. And I think that the freshmen have done well on the committee.

My two colleagues, JON CHRISTENSEN and PHIL ENGLISH, I think they have performed in an outstanding manner on the Committee on Ways and Means.

As a representative of the tax writing committee, which is the primary responsibility for the Committee on Ways and Means, let me enlighten all of you to not only some of the things that we brought up in the part of the Contract With America, but actually we have been talking about, actually items that have been signed into law. That is the bottom line. It is great to debate all these items, but it only affects people's lives once you can get them into law.

First of all, we had the small business tax relief. We increased the amount of money the businesses can deduct as far as depreciation is concerned, instead of depreciation, actually expensing them, up the $25,000 per year. Small business people around the country understand that means they will be able to buy more equipment to make their employees more productive, to be able to pay their employees more money.

We also have a spousal individual retirement account. If you have a spouse that is living at home right now, they are not allowed to have an individual retirement account, an IRA. Our legislation allows you, enacted into law, now for your spouse to get an IRA as well.

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We also have long-term care incentives. Right now in America, senior citizens are deathly afraid that they are going to have to lose everything that they have to be able to go on Medicaid, to be able to get good long-term care, skilled nursing facility type care in this country. We are not putting in tax incentives to buy long-term care insurance, for one, but also to deduct long-term care expenses off of their tax return.

What this does is it keeps more people off of Medicaid, off of the taxpayers' backs, but also gives them more control over their lives.

We also raised the Social Security earnings limitation. We are raising it over a 6-year period to $30,000. Right now you get penalized if you are between 65 and 69 years of age, penalized for every dollar you earn over $11,280. You get penalized on your Social Security. That is unconscionable.

We are taking some of the people with the most experience and wisdom in our society and saying do not work, we want you to retire, and most of these people want to stay productive, and we are saying we are going to penalize you if you do. That is wrong and we repealed that.

The adoption tax credit. Everybody talks about abortion. They talk about all these other things and they say, why do you not encourage adoption? This Congress is now encouraging adoption by giving a $5,000 tax credit to offset adoption expenses for families that make up to $75,000 a year.

Now, there were a couple of items in the contract that were vetoed and it is unfortunate, too, because the average American family pays more in taxes than they do in food clothing and shelter combined.

Yes, the $500 per child tax credit was vetoed. Yes, the marriage penalty relief was vetoed. The American dream savings account was also vetoed. And also economic growth tax cuts, known as the capital gains tax reduction of 50 percent, was also vetoed, which would have been a huge boost to the economy and to economic growth in this country.

We are now in a global economy. We have to realize that when we are passing laws in this country. We need to make American business competitive once again. The cost of doing business, the cost of borrowing money, the cost of capital plays into how competitive American business is in a global economy.

We could have helped make American business more competitive by giving capital gains tax relief. And, by the way, of all of the taxes that we proposed, tax cuts that we proposed, they talk about it was for the rich. Between 70 to 80 percent of the tax relief we passed as part of the Contract With America were for families making less than $75,000 a year.

I do not know about my colleagues; districts, but in Las Vegas $75,000 a year is definitely not rich. And in Southern California most people cannot even afford to buy a house if they make $75,000 a year.

We saw working families struggling and we tried to help them and I was proud to be part of this freshman class that truly changed the scope of things.

Mr. JONES. If the gentleman from Nevada would yield for a moment.

Mr. ENSIGN. I would be happy to yield.

Mr. JONES. I have great respect for the gentleman from Texas, BILL ARCHER, who is chairman of the Committee on Ways and Means, and I compliment you as well as the other committee members.

One of the contract items that was absolutely vital to the future of this Nation, and Mr. ARCHER was out in front on it as well as many other Members, was welfare reform. I saw him on talk show after talk show defending what we were trying to do to help citizens that were on welfare become productive working citizens.

I want to ask the gentleman this, and if he will respond, then I will stop. Mr. ENSIGN, is it not true that welfare has cost the American people, since the mid 1960's, the years of the Great Society, $5.3 trillion? And it is not also true that Bill Clinton, when elected as the President of the United States, for 2 years had a Democratic Senate and Democratic House and never a welfare reform bill introduced until the Republicans became the majority? Is that true or not?

Mr. ENSIGN. Not only is that true, I think that one of the reasons maybe people do not believe us up here is because we do not give credit when credit is due. I think we need to give President Clinton the credit for raising the minimum wage. He brought this Congress fighting, dragging and screaming and everything to raise the minimum wage. Now, we had to do that, but the only way we would do that is by giving small businesses tax relief along with that, so we improved the bill. But we should give him credit for raising the minimum wage.

The President does not deserve credit for welfare reform. He is taking credit for it but he does not deserve credit for welfare reform, because, frankly, it was this Congress that did welfare reform. We recognized that welfare was destroying families. Illegitimacy rates are incredibly increased and a big factor in that is welfare.

We tell a teenage mother, we say, if you get pregnant we will get you an apartment. You can move away from your parents, get you an apartment. You can have any man live with you except for the father of the child. Do not get a job. You cannot save anything. And, by the way, if you want more money, have more children out of wedlock. If that is not a morally bankrupt system, I do not know what is.

And this Congress, with all of us working on it together, finally did the most sweeping social policy change in 60 years of this country, and we now have a true welfare reform bill that this President now signed into law because he was forced to.

Mr. WICKER. Reclaiming my time for just a moment. As my colleagues can see, the gentleman from Nevada being on the Committee on Ways and Means is on a committee that has a wide range of jurisdiction, from all the tax measures that he mentioned on to welfare reform.

I am sure some of my colleagues will want to join in this debate on tax relief, because a great part of the Republican Contract With America is tax relief. But what the gentleman from Nevada has just outlined in the items that passed dealing with tax relief, the item on small business, we know that most jobs created in the United States today are created by small businesses, so that tax relief package is a job creation package. It is going to create jobs for people where they live out in the 50 States.

The gentleman mentioned the spousal IRA, which is very important to many, many women around this country. A tremendous achievement. Tax issues dealing with health, dealing with senior citizens, allowing them to retain more of their earnings, and then certainly the adoption tax credit.

I know the President mentioned on television how delighted the First Lady was when we passed the adoption tax credit and sent it to the President for his signature. And I am sure there are other people that want to talk about the issue of tax relief for the American people. And I would be happy to yield at this point to the gentleman from Minnesota.

Mr. GUTKNECHT. I thank the gentleman. I think sometimes our critics here in the House, and some of the folks in the media, sometimes have tended to say that, well, we cannot balance the budget and provide tax relief at the same time. And I think the beauty of the budget plan that was put together by the gentleman from Ohio, Mr. KASICH, and others, was that it demonstrated that if we do it over 7 years and we limit the growth in entitlements and make some cuts in domestic discretionary spending while we freeze defense spending that we can balance the budget in 7 years and allow American families to keep a little more of what they work for and what they earn.

Sometimes we do have to bring this all back. What does it mean? What does a balanced budget and reduced taxes mean to the working families of Minnesota? What does that really mean to them? Well, it means that more of the power is being returned to them.

As Senator PHIL GRAMM says, I know the family and I know the Federal Government and I know the difference. And every Sunday American families sit around their kitchen tables or their coffee tables and they clip 120 million coupons from their newspapers worth an average of 63 cents. That is how families balance their budget every single week.

Now, when is the last time my colleagues saw a Federal bureaucracy clipping coupons? As a matter of fact, what happens at the end of their budget cycle is they try to figure out how to spend every last penny so they will not be cut next year.

Let me just say that it ultimately means a balanced budget and tax relief for working families so that they can afford new homes and new cars, and so that there will be more jobs for the folks who need them. It means more security for our seniors and it ultimately means more opportunity for our kids.

I think, in the end, that is really what this debate is all about, it is about more accountability in Washington and more responsibility and authority and resources being returned to the American families. And that is where it should be, because they know how to balance the budget, they know how to get the job done.

It is not a decision about whether we are going to have more money for children or their nutrition or their education, it is a debate about who gets to do the spending, and we believe in families.

Mrs. SEASTRAND. If the gentleman will yield, he talked about those families sitting around the kitchen table trying to figure out how they are going to meet their expenses. I know they pinch pennies. I have been in that position, so I know what it is like to see how to make ends meet.

I thought it was interesting, I think all of my colleagues would agree with me, that very first day we were sworn in we were given our key to our office and we opened the office to see if we would have a desk and a phone connected, but I remember almost stumbling over a bucket. Do my colleagues remember that, a plastic bucket filled with ice cubes?

We did not have time to worry about that. I think someone threw the ice cubes in the sink and that was it. But what was amazing is that afternoon there was another bucket, and then there was this ritual for a week or 2 weeks. And I kept saying, what is this all about? Where is this coming from?

And it is interesting because that is what we came to, a place that was still delivering ice twice a day to each of our offices when we have refrigerators, our own little personal refrigerators, or we can run down to the cafeteria and get a Coke with ice in it. And many other times the ice just melted.

And what did we do? We went to work, this freshman class went to work to see how we could pinch pennies. Where is this coming from? Who is doing it? How much is it costing?

I thought it was amazing to find out that it took 14 people to produce that ice, deliver it twice a day, and it also meant that it was costing the taxpayers, those families around that kitchen table, $500,000 a year. Well, we put a stop to it, and that is $500,000. And in the scheme of trillions of dollars, I think there was that old Senator that said, you know, you take a dollar here and a dollar there, and you add it up and it winds up to be a lot of money.

But I want to point out that not only on that first day did we slash and cut different things here in this building, but I think that ice bucket is symbolic of what we have tried to do in this House.

We cut the number of committees, we reduced staffs and budgets by a third, we slashed Members' mail budgets by a third, we reduced administrative staff and operating budgets, we closed the in-house printing and folding services, we privatized mail and postal operations, we ended a lease on a warehouse that just—do my colleagues remember that—held obsolete furniture and equipment, and then we ended a lease on an unneeded parking lot, where we found out that many times lobbyists parked in, and we opened up another parking lot for the public so that they could come and use this parking and know that they could get to their House.

We also did some things like privatizing the beauty and the barber shop and the shoe shine operation, all of this adding up to millions of dollars. Again, pinching pennies, symbolic of that bucket of ice, the way families all across America have to pinch their pennies every month to make ends meet.

Mr. EHRLICH. If the gentlewoman will yield, I apologize for changing the course of this discussion somewhat back to the philosophical, but I have a question for everybody.

There are an awful lot of Americans watching us right now, and that is good and that is part of democracy and that is a wonderful part about being in this House. It is very important that folks across the country hear this discussion, and I know that my colleagues all have the same experience I do when I go back to my district.

I am fortunate. As my colleagues know, I get to go back almost every night, and that is not the case with the other folks in front of me, and I apologize for that. It is a great part of being from Maryland.

I hear one question repeated over and over again, and I want to hear my colleagues' opinions concerning how they would answer this question, and the question, in various forms, is: Well, BOB, I love the agenda the gentlewoman from California just articulated, I love the fact you have cleaned

up the House, I love the fact you have cleaned up the process, I love the fact you all have principles and you have maintained those principles in the House of Representatives, I like this agenda, I like this opportunity in society that you want to create in this country, I really like welfare reform and capital gains and the whole nine yards, but why is the message not out there? Why do some people believe that these are actually tax cuts for the rich?

□ 2315

The gentleman from Mississippi earlier stated that slowing the growth in Medicare was not even part of the Contract With America. What is your answer?

Mr. BURR. Mr. Speaker, I referred to the fact earlier that I found when I got to Washington that they add and subtract differently here. Inside the beltway an increase of 3 percent a year is in fact a cut because it is less than somebody wanted. In fact, anything less than what you want in Washington is considered a cut.

I think that raises a question. The question gets back to what the gentleman from Minnesota raised earlier. That is, is it radical to believe that a family knows better how to spend their money than the Federal Government? I think that in fact the answer is, to this town it is radical to believe that Members would give up the power of more money, the power of more decisionmaking capabilities, more regulations, the perks of the office and that in fact it is inconsistent with much of the history of this institution.

In fact, in 2 short years we were able to turn that around.

Mr. EHRLICH. Mr. Speaker, I would just like to make him feel better. The President of the United States shares your concern and your frustration. Does everybody here remember the President's recent quote when confronted by the press with respect to the issue? The Republicans really do not want to cut Medicare at all, Mr. President. They want to slow the growth in exactly the same way you yourself advocated just 3 years ago.

And does anybody recall the President's answer? He understood the difference, but it is shorthand, it is Washington. You cannot really tell the American people what the truth is because you have to use shorthand because the attention span of the American people is only a few seconds. And it is the press's fault. The press uses the term cut. It is not really a cut, but we have to use it in this town because that is the way we do things in this town; that is, we do not take our time to explain ourselves to the American people.

I think that is what the President was saying. Does anybody remember that quote?

Mrs. SEASTRAND. I remember that quote. I might add, you are fortunate you can go home every night to Maryland. My trip is quite lengthy, 3,000 miles across this Nation to the central coast of California. But I do go home every weekend.

I know I have heard those same questions. You have done your work. We want you to hang in there, but why are you not getting the message out? As I stated earlier, I tried to yell this from the rooftop about what we have accomplished. Regarding the contract, we said 65 percent of it has now been signed into law.

But I will tell you one reason that I think adds to the situation of why our message has become more or less confused and foggy to some people. I am one of those freshman and I know there are several that joined us today that have been hit by big special interest groups from Washington, DC. I would just point out since April of last year, of April 1995, we just completed the contract. We are going into the budget discussion. And all of a sudden up on television in my district we had special interest ads bombarding me and bombarding me ever since then.

Over $600,000 have been spent in my little old district of outside money coming in trying to confuse the message and saying that I cut Medicare $270 billion, that I cut student loans, that I have given tax credits to the rich to take care of the rich. It is an outrage. I just would say that shame on those big special interest groups who claim that they speak for the working men and women. That is one of the areas that we have had to put up with because we came here, as I said, to move the power and the influence and the money out of this place back home.

And so because we did that, we supported the contract, we gave every issue, we wanted to give more power to the working families at home. Those big special interests here in Washington are very upset with you, with me and they are trying to gain that power back so that they can once again have their perks and their special powers here and to heck with the people at home.

So I think there are many reasons, but I think that is a big special reason in many of our instances where almost half of that freshman class is now being bombarded by millions and millions of dollars from those people that are upset with our trying to change the way we do business.

Mr. WICKER. The gentlewoman is absolutely correct. I think it is fair to say to my colleagues and for us to say to the American people that we need to remind ourselves that there was another party in control of this body for 40 straight years, a body that refused to bring up these items, these 10 commonsense items of the Contract With America.

Frankly, they are not too anxious to balance the budget. They are not too anxious to have tax cuts for the American people. And for 40 years, under their rule, Government got bigger, taxes got higher. And Government got more and more intrusive. We had less and less personal freedom, less and less local responsibility. Quite frankly, they want their majority back and they are willing to say things that are not accurate about what we have been doing.

I have an example just from this morning's Congress Daily where Senate Minority Leader TOM DASCHLE contended during a press briefing that despite the passage of welfare reform, health care, minimum wage, telecommunications, safe drinking water, farm and other legislation, ''by and large this has not been a very productive Congress.'' Senator DASCHLE went on to say, I believe this session is far short of what we have done in past Congresses. He added, because we spent almost all of our time stopping Senate Republicans from doing extreme things, I think extreme has been their favorite word for these last several months although as we have shown tonight, 58 percent of House Democrats voted for the Contract With America.

The article goes on to say, when reporters pressed him afterward to name another Congress that had passed major legislation and yet could be judged similarly unproductive, however, DASCHLE could not name one. I know there have to be several. I will get back to you on that, he said.

It is that sort of disinformation that we freshmen, we Republicans have had to come back for the duration of this Congress.

Mr. BURR. Mr. Speaker, if the gentleman will continue to yield, your last comment strikes me as something that we all heard before we got here. That was a Congress that said to the American people, I cannot answer that today, but I will get back with you later. The fact is that Mr. GUTKNECHT from Minnesota said earlier that the freshman class brought a new mindset to Washington. In fact, he was partially right. I think the correct answer is the American people sent a new mindset to Washington. In fact, why we see the situations of outside interests in California and 38 other districts around the country of large special interests and why they have an interest in that district is, in fact, the breakup of power in Washington, that there are people that feel that for 40 years they have built an empire that in 2 short years is beginning to crumble.

They will go to any lengths and spend any amount and say anything to change the trend of the American people taking back over their Congress. The reality is that, in fact, the most changes have happened in this 2-year period than probably in the 2-year period in the history of this institution. I, for one, have been proud to be a part of it.

Mr. WICKER. Mr. Speaker, I would simply call on my colleagues to add anything they might want to in the way of closing remarks for this special order.

Mr. EHRLICH. Mr. Speaker, if I went to this well every day and looked into that camera and said, folks, Mr. WICKER from Mississippi is wearing a blue tie today and I bought $100 million of ads and ran them across the country, and I did not care about telling the truth or shooting straight or having integrity but I loved those 30-second attack ads and every one of those attack ads said, Mr. WICKER is wearing a blue tie, do you know what? I bet you by election day, some people would believe that you were wearing a blue tie tonight, Mr. WICKER, and we all know that is a yellow tie.

Mr. WICKER. It is a yellow tie with very small elephants on it.

Mr. EHRLICH. In much the same way some people will believe tax cuts for working folks are tax cuts for the rich, in a very similar way some people will believe that slowing the growth in Medicare from 10 percent to 7 percent a year is a cut and on and on and on. I will close with this: I think the American people are a lot smarter than that.

Mr. WICKER. Before I yield to the gentlewoman from California, you have mentioned taxes and tax cuts. Let us remind ourselves, I think it is important to remind ourselves that President Clinton campaigned in 1992 on a middle class tax cut. Instead, he raised taxes on the American people the very next year. And the minority leader of this House got up before the Democrat convention in Chicago just a few weeks ago and said about that tax hike that the Democrats passed without a single Republican vote, what we did was right and our President did what was right, and I would do it again tomorrow and so would Bill Clinton.

When it comes to taxes, I am afraid that is the truth. They think tax increases are good and they would do it again tomorrow if they get a chance.

Mrs. SEASTRAND. Mr. Speaker, it is just interesting, I am pleased to participate with you this evening, but as we mentioned, we were trying and we still are trying to give power back to the folks at home, move that money and power and influence from Washington, DC to each and every one of our special places; for me, to California. And I think it is really something when you think that you gave your word, you kept your word, you kept your promises and you are called an extremist for doing so.

I would just say that for doing so, I have been punished more or less with having that outside money come in. I often tell people, if you try to go to Washington and try to change the way things were, then you see why nothing was done for 40 years. Because when you step out of the box from the way they did things, you are punished with those ads and misinformation.

I think the gentleman from Maryland is right. I am hoping that the good Americans across this Nation will be able to see through this and will again go to the polls and reelect those that are trying to work for them and give them back their Government.

Mr. BURR. Mr. speaker, I would simply say in closing that I know that my colleagues agree when I say that character does matter, that conviction does matter, that commitment does matter, that where there is, quite honestly, character, there is courage, that where there is conviction, there is hope, and where there is commitment, there are results.

And if I could sum up this freshman class in the 104th Congress, it would be that we have been courageous, that we have maintained a sense of hope for the future and hope for this country and hope for the families and that, in fact, we should be judged based upon the results, the results of 2 years, not a year and a half, like some want to judge us, but the full 2 years and the impact that we have made on changing how we represent the American people.

I am proud of the change, and I look forward to serving with each one of you in the 105th Congress so that we can continue with the progress that we made in the 104th Congress.

Mr. WICKER. Mr. Speaker, in the minute or two that I have remaining, I just want to remind my colleagues of why we are here this evening. For this Congress and for America, the historic Contract With America was a positive agenda to restore commonsense Government. The contract, in its intents and in its substance, has been distorted and criticized in recent months as a failure and for somehow being extreme.

Tonight we have documented that the contract has largely been a success, with almost two-thirds of its legislative items passed by Congress and signed into law by President Clinton. Further, we have shown that the contract was anything but extreme, with widespread public support, over 60 percent of the American people support all 10 items of the Contract With America. Much of the contract passed the House with significant bipartisan support, as I said, 58 percent of House Democrats voting for the Contract With America.

□ 2330

My colleagues have repeatedly shown tonight that the contract's legislation will have a real and positive effect on the lives of all Americans.

Mr. Speaker, at this point I want to thank my colleagues for participating in this special order.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mrs. THURMAN, for 5 minutes, today.
Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WICKER) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.
Ms. WELDON of Pennsylvania, for 5 minutes, today.
Mr. MCINNIS, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. UNDERWOOD.
Mr. LIPINSKI.
Mr. BERMAN.
Mr. VISCLOSKY.
Mr. JACOBS.
Mr. BARCIA.
Mr. WILLIAMS.
Mr. CLEMENT.
Mr. STARK.
Mr. BRYANT of Texas.
Mr. KENNEDY of Rhode Island.
Mr. CARDIN.
Mr. BARRETT of Wisconsin.
Mr. MILLER of California.
Mr. ENGEL.
Mr. JACKSON of Illinois.
Mr. MARTINEZ.
Mr. BENTSEN.
Mr. HASTINGS.
Mr. GEJDENSON.
Mr. EVANS.
Mr. KLECZKA.
Mr. SERRANO.
Mrs. LOWEY.
Mr. POMEROY.
Mr. BONIOR.
Ms. EDDIE BERNICE JOHNSON of Texas.

(The following Members (at the request of Mr. WICKER) and to include extraneous matter:)

Mr. CAMP.
Mr. LIGHTFOOT.
Mr. NEY in three instances.
Mr. BAKER of Louisiana.
Mr. KOLBE.
Mr. CRANE.
Mr. OXLEY.
Mr. HYDE.
Mr. ZELIFF.
Mr. SHAYS.
Mrs. JOHNSON of Connecticut.
Mr. HORN.
Mrs. ROUKEMA.
Mr. BUNNING of Kentucky.
Mr. FRELINGHUYSEN.
Mr. BAKER of California.
Mr. PORTER.
Mr. BURTON of Indiana.
Mr. DUNCAN.

(The following Members (at the request of Mr. WICKER) and to include extraneous matter:)

Mr. HEFNER.
Mr. MOAKLEY.
Mr. ACKERMAN.
Mr. SPRATT.
Mrs. KELLY.
Mr. LEWIS of Kentucky.
Mr. DOOLEY of California.
Mr. DIXON.
Mr. FARR of California.
Mr. BARCIA in two instances.

Mr. SENSENBRENNER in two instances.
Mr. BACHUS.
Mr. CHRYSLER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1875. An act to designate the United States courthouse in Medford, Oregon, as the ''James A. Redden Federal Courthouse;;; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3666. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3666. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mr. WICKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, September 26, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5295. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Order Regulating Handling (AO–370–A5; FV93–930–3) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5296. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Assessment Rate [Docket No. FV96–948–2 FIR] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5297. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Apricots and Cherries Grown in Designated Counties in Washington, and Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Assessment Rates [Docket No. FV96–922–3 FIR] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5298. A letter from the Deputy Secretary of Defense, transmitting the Department's report on opportunities for greater efficiencies in the operation of the military exchanges, commissary stores, and other morale, welfare, and recreation [MWR] activities, pursuant to Public Law 104–106, section 339; to the Committee on National Security.

5299. A letter from the Comptroller of the Currency, et al., transmitting the ''Joint Report: Streamlining of Regulatory Requirements,'' pursuant to 108 Stat. 2160; to the Committee on Banking and Financial Services.

5300. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 740, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

5301. A letter from the Secretary of Health and Human Services, transmitting the fiscal years 1993 and 1994 annual reports of the National Institute for Occupational Safety and Health [NIOSH], Centers for Disease Control and Prevention [CDC], pursuant to 29 U.S.C. 671(f); to the Committee on Economic and Educational Opportunities.

5302. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification that no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary for the calendar year 1995, pursuant to 31 U.S.C. 3121 note; to the Committee on Commerce.

5303. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations of the Secretary, pursuant to 31 U.S.C. 3121 note; to the Committee on Commerce.

5304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; the Commonwealth of Kentucky—Disapproval of the Request to Redesignate the Kentucky Portion of the Cincinnati-Northern Kentucky Moderate Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan [FRL–5607–3] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Solid Waste Disposal Facility Criteria; Re-establishment of Ground Water Monitoring Exemption for Small, Municipal Solid Waste Landfills Located in Either Dry or Remote Areas [FRL–5615–8] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5306. A letter from the Managing Director, Federal Communication, Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Castana, Iowa) [MM Docket No. 96–96, RM–8791] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5307. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wellington, Colorado) [MM Docket No. 96–51, received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5308. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Delta, Colorado) [MM Docket No. 96–38, RM–8759] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5309. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Coleman, Sebewaing and Tuscola, Michigan) [MM Docket No. 95–7, RM–8561] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5310. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elberton, Georgia) [MM Docket No. 95–165, RM–8703] received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5311. A letter from the Secretary of Energy, transmitting the Department's report entitled ''1995 Annual Report on Low-Level Radioactive Waste Management Progress,'' pursuant to Public Law 99–240, section 7(b); to the Committee on Commerce.

5312. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (94–1558—Engine Manufacturers Association, on behalf of certain of its members versus Environmental Protection Agency; to the Committee on Commerce.

5313. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Portugal for defense articles and services (Transmittal No. 96–74), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5314. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program: Limitation on Physician Charges and FEHB Program Payments (RIN: 3206–AG31) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5315. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Social Security Acquisition Regulation (RIN: 0960–AE12) received September 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5316. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (95–5057—Scott Armstrong, et al. versus Executive Office of the President; to the Committee on Government Reform and Oversight.

5317. A letter from the Chief Administrative Officer, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1996, through June 30, 1996, as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a (H. Doc. No. 104–268); to the Committee on House Oversight and ordered to be printed.

5318. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting, Late Seasons and Bag Possession Limits for Certain Migratory Game Birds (RIN: 1018–AD69) received September 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5319. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996–97 Late Season (RIN: 1018–AD69) received September 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5320. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' Species Group in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 960129018–6018–01; I.D. 091996A] received September 24, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Resources.

5321. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, ''Criminal Offender Anti-Drug Act''; to the Committee on the Judiciary.

5322. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the legion's annual audit as of April 30, 1996, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

5323. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch; Exception for Gifts from a Political Organization (RIN: 3209–AA04) received September 20, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on the Judiciary.

5324. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (92–3133—United States of America versus Rochell Ardall Crowder; to the Committee on the Judiciary.

5325. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's final rule—Architectural and Transportation Barriers Compliance Board [A.G. Order No. 2043–96] (RIN: 3014–AA18) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5326. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Definition of the Term Lawfully Present in the United States for Purposes of Applying for Title II Benefits Under Section 401(b)(2) of Public law 104–193 [INS No. 1792–96] (RIN: 1115–AE51) received September 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5327. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Inflation-Indexed Debt Instruments (Notice 96–51) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5328. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Revenue Ruling 96–45) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5329. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–50) received September 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5330. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled, ''Department of Veterans Affairs Employment Reduction Assistance Act of 1996''; jointly, to the Committees on Veterans' Affairs and Government Reform and Oversight.

5331. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the sale of excess Federal aircraft to facilitate the suppression of wildfire; jointly, to the Committees on Government Reform and Oversight, Agriculture, and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 3142. A bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries; with an amendment (Rept. 104–837, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3973. A bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives; with an amendment (Rept. 104–838). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2579. A bill to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States; with an amendment (Rept. 104–839 Pt. 1).

Mr. HYDE: Committee of Conference. Conference report on H.R. 2977. A bill to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes (Rept. 104–841). Ordered to be printed.

Ms. GREENE of Utah. Committee on Rules. House Resolution 536. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer (Rept. 104–842). Referred to the House Calendar.

Mr. SHUSTER: Committee of conference. Conference report on S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 104–843). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2923. A bill to extend for 4 additional years the waiver granted to the Watts Health Foundation from the membership mix requirement for health maintenance organizations participating in the Medicare Program (Rept. 104–844 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 4012. A bill to waive temporarily the Medicare enrollment composition rules for The Wellness Plan (Rept. 104–845 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on International Relations discharged from further consideration. H.R. 2579 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2561. A bill to provide for an exchange of lands located near Gustavus, AK, with an amendment; referred to the Committee on Commerce for a period ending not later than October 11, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 104–840, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2579. Referral to the Committee on International Relations extended for a period ending not later than September 25, 1996.

H.R. 2923. Referral to the Committee on Ways and Means extended for a period ending not later than October 2, 1996.

H.R. 4012. Referral to the Committee on Ways and Means extended for a period ending not later than October 2, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE:

H.R. 4164. A bill to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; to the Committee on the Judiciary.

By Mr. HOKE (for himself and Mr. TRAFICANT):

H.R. 4165. A bill to provide for certain changes with respect to requirements for a Canadian boater landing permit pursuant to section 235 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Ms. VELAZQUEZ, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE of New Jersey, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. BECERRA, Mr. SCOTT, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. FATTAH, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BONIOR, Mr. BROWN of California, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. ENGEL, Mr. EVANS,

Mr. FOGLIETTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Mr. JACKSON, Mr. KANJORSKI, Mr. LANTOS, Mr. LEVIN, Mr. LIPINSKI, Ms. LOFGREN, Mr. MANTON, Mr. MASCARA, Mr. MOAKLEY, Mr. MORAN, Mr. OLVER, Mr. RAHALL, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. THOMPSON, Mr. TORRES, Mr. VENTO, Mr. WISE, Mr. WYNN, and Mr. YATES):

H.R. 4166. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. WILLIAMS (for himself, Mr. OXLEY, and Mr. MANTON):

H.R. 4167. A bill to provide for the safety of journeyman boxers, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.R. 4168. A bill to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. BAKER of California (for himself, Mr. WHITE, and Mr. CAMPBELL):

H.R. 4169. A bill to amend the Internal Revenue Code of 1986 to provide that all computer software shall be depreciable over 24 months; to the Committee on Ways and Means.

By Mr. GINGRICH:

H.R. 4170. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER of Louisiana:

H.R. 4171. A bill to amend the National Forest Foundation Act to extend and increase the matching funds authorization for the Foundation, to provide additional administrative support to the Foundation, to authorize the use of investment income, and to permit the Foundation to license the use of trademarks, tradenames, and other such devices to advertise that a person is an official sponsor or supporter of the Forest Service or the National Forest System; to the Committee on Agriculture.

By Mr. CONDIT (for himself, Mr. CUNNINGHAM, Mr. MCKEON, Mr. RIGGS, Mr. FAZIO of California, Ms. LOFGREN, and Mr. CAMPBELL):

H.R. 4172. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from the overtime requirements of that act for law enforcement employees while at a police academy or other training facility pursuant to an agreement between the public agency employing such employee and representatives of such employee; to the Committee on Economic and Educational Opportunities.

By Mr. EVANS (for himself and Mr. FILNER):

H.R. 4173. A bill to amend title 38, United States Code, to improve benefits for veterans exposed to ionizing radiation; to the Committee on Veterans' Affairs.

By Ms. KAPTUR:

H.R. 4174. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. LAZIO of New York:

H.R. 4175. A bill to require the Secretary of Education to investigate the feasibility of establishing a National Environmental Science and Policy Academy; to the Committee on Science, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. GIBBONS, Mr. RANGEL, Mr. STARK, Mr. COYNE, and Mr. NEAL of Massachusetts):

H.R. 4176. A bill to amend the Internal Revenue Code of 1986 to allow certain employees without employer-provided health coverage a refundable credit for their health insurance costs; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4177. A bill to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes; to the Committee on Commerce.

By Mr. MCINNIS:

H.R. 4178. A bill to establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970; to the Committee on Economic and Educational Opportunities.

H.R. 4179. A bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 4180. A bill to provide schools throughout the country with the capability to use new technology to its fullest potential; to the Committee on Economic and Educational Opportunities.

By Mrs. MYRICK:

H.R. 4181. A bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA (for herself, Mr. MCCOLLUM, Mr. VENTO, Mr. DREIER, Ms. FURSE, Mr. FLAKE, Mr. KING, Mr. BONO, and Ms. MCKINNEY):

H.R. 4182. A bill to enhance competition in the financial services sector and merge the commercial bank and savings association charters; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SMITH of Washington:

H.R. 4183. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of the identity of persons paying the expenses associated with the polls conducted by telephone during campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4184. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4185. A bill to amend title XVIII of the Social Security Act to pay for parenteral nutrients provided as part of renal dialysis services as part of payment for renal dialysis services under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 4186. A bill to designate the United States border station located in Pharr, TX, as the ''Kika de la Garza United States Border Station''; to the Committee on Transportation and Infrastructure.

By Mr. WELLER:

H.R. 4187. A bill to amend the National Trails System Act to designate the Lincoln National Historic Trail as a component of the National Trails System; to the Committee on Resources.

By Mr. WILLIAMS:

H.R. 4188. A bill to authorize the construction of the Fort Peck Reservation Rural Water System, Montana, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 4189. A bill to amend title XVIII of the Social Security Act to provide for coverage of vancomycin home parenteral therapy under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 4190. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient parenteral antimicrobial therapy under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 4191. A bill to require the Secretary of Health and Human Services to conduct a study of the effect on payments under Medicare where certain inpatient services are replaced by outpatient services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the President should categorically disavow any intention of issuing pardons to James or Susan McDougal or Jim Guy Tucker; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island (for himself, Mr. GILMAN, Mr. REGULA, Mr. YATES, Mr. LANTOS, Mr. LATOURETTE, and Mr. FOX):

H. Con. Res. 219. Concurrent resolution calling for the proper preservation of the memorial at the site of the Jasenovac concentration and death camp in Croatia in a way that accurately reflects the historical role of that site in the Holocaust; to the Committee on International Relations.

By Mr. LANTOS (for himself and Mr. HOKE):

H. Con. Res. 220. Concurrent resolution commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness; to the Committee on International Relations.

By Mr. MCCOLLUM:

H. Res. 535. Resolution providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166; considered under suspension of the rules.

By Mr. MEEHAN (for himself, Mr. FRANKS of New Jersey, and Ms. ESHOO):

H. Res. 537. Resolution expressing the sense of the House of Representatives that the Departments of the Treasury, Defense, Commerce, and Labor should take steps to assist in increasing the competitiveness of the U.S. electronic inter-connections industry; to the Committee on Ways and Means, and in addition to the Committees on Commerce, National Security, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. TAUZIN introduced a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Spirit of the Pacific Northwest;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. ZIMMER.
H.R. 103: Mr. GILCHREST.
H.R. 778: Mr. LONGLEY.
H.R. 784: Mrs. CUBIN.
H.R. 878: Mr. GORDON and Mr. QUINN.
H.R. 903: Ms. MOLINARI.
H.R. 1046: Mr. HOLDEN.
H.R. 1073: Mr. LAZIO of New York and Mr. HOKE.
H.R. 1074: Mr. HOKE.
H.R. 1090: Mr. ZIMMER and Mr. ANDREWS.
H.R. 1325: Mr. MASCARA.
H.R. 1339: Ms. HARMAN.
H.R. 1402: Ms. WATERS.
H.R. 1591: Mr. GUTIERREZ.
H.R. 1649: Ms. SLAUGHTER.
H.R. 1805: Mr. GORDON.
H.R. 1846: Mrs. MORELLA.
H.R. 1916: Mrs. CHENOWETH.
H.R. 2011: Mr. BLUMENAUER and Mr. SHAW.
H.R. 2080: Mr. CUMMINGS, Mr. GREEN of Texas, Ms. NORTON, and Mr. JACKSON.
H.R. 2211: Mr. KILDEE.
H.R. 2323: Mr. HOSTETTLER.
H.R. 2434: Mr. HOUGHTON and Mr. COMBEST.
H.R. 2497: Mr. LIGHTFOOT and Mr. EHRLICH.
H.R. 2579: Mr. CAMP and Mr. DEAL of Georgia.
H.R. 2651: Mr. DICKEY and Mr. KENNEDY of Rhode Island.
H.R. 2664: Mr. ZIMMER.
H.R. 2713: Mr. KING.
H.R. 2727: Mrs. CHENOWETH.
H.R. 2875: Mr. TORKILDSEN.
H.R. 2900: Mr. CAMP, Mr. LAHOOD, Mr. DICKEY, and Mr. BUNNING of Kentucky.
H.R. 2976: Mr. FOGLIETTA, Mr. HEFNER, Mrs. LINCOLN, Mr. SKAGGS, Mr. SMITH of Michigan, and Mr. STOKES.
H.R. 2995: Mr. HOKE.
H.R. 3022: Mr. LEACH, Mrs. MINK of Hawaii, and Mr. SCHUMER.
H.R. 3081: Mr. RUSH, Mr. WATT of North Carolina, Mr. JEFFERSON, and Ms. JACKSON-LEE.
H.R. 3104: Mr. JACKSON.
H.R. 3142: Mr. LONGLEY, Mr. WALSH, and Mr. ANDREWS.
H.R. 3195: Mr. GOODLATTE, Mr. HERGER, Mr. MCINTOSH, and Mr. STUMP.
H.R. 3226: Mr. NEY.
H.R. 3353: Mr. OWENS.
H.R. 3398: Ms. WOOLSEY and Mr. HERGER.
H.R. 3413: Mrs. MORELLA, Mr. SMITH of Texas, Mr. SANDERS, Mr. SOLOMON, Mr. GILMAN, Mr. WILLIAMS, Mr. MCHALE, Mr. KLINK, Mr. DIAZ-BALART, Mr. OLVER, Mr. TORKILDSEN, Mr. MCDADE, Mr. EHRLICH, Mr. DOYLE, Mr. JOHNSON of South Dakota, Mrs. ROUKEMA, Mr. POMEROY, Mr. ZIMMER, Mr. POMBO, Mr. FROST, Mr. HINCHEY, Mr. LEACH, Mr. THOMPSON, Mrs. MEEK of Florida, Mr. STARK, Mr. ACKERMAN, Mr. EVANS, and Mr. GOODLING.
H.R. 3426: Mr. BOEHNER.
H.R. 3462: Mr. FILNER.
H.R. 3504: Mr. BLUTE.
H.R. 3531: Mrs. SCHROEDER.
H.R. 3538: Mr. DORNAN, Mr. MASCARA, Mrs. MEEK of Florida, Mr. DAVIS, Mr. CONYERS, and Mr. MANTON.
H.R. 3555: Mr. CASTLE.
H.R. 3636: Mrs. SMITH of Washington.
H.R. 3690: Mr. HUTCHINSON.
H.R. 3693: Ms. MILLENDER-MCDONALD, Mr. ACKERMAN, Mr. BEREUTER, Ms. DELAURO, and Mr. TORRES.
H.R. 3714: Mr. SAWYER and Ms. PRYCE.
H.R. 3736: Mr. BEREUTER, Mr. GUNDERSON, Mr. MANTON, Mr. BLUTE, and Mr. BACHUS.
H.R. 3753: Mr. COSTELLO.
H.R. 3758: Mr. CAMPBELL, Mr. KNOLLENBERG, and Mr. STOCKMAN.
H.R. 3795: Mr. HAYES.
H.R. 3849: Mr. DOYLE, Mr. LAHOOD, and Mr. BARTLETT of Maryland.
H.R. 3852: Mr. FOX and Mr. CUNNINGHAM.
H.R. 3860: Mr. NADLER and Mr. FATTAH.
H.R. 3938: Mr. DORNAN, Mrs. MEEK of Florida, Mr. CONYERS, and Mr. MANTON.
H.R. 3988: Mr. LARGENT.
H.R. 3991: Mr. HILLIARD, Mr. FROST, Mr. BROWN of Ohio, Mr. RANGEL, and Ms. RIVERS.
H.R. 4006: Mr. FUNDERBURK and Mr. EWING.
H.R. 4027: Mr. SMITH of New Jersey and Mr. QUINN.
H.R. 4031: Mr. CALVERT, Mr. PORTER, Mr. CAMPBELL, Mr. CUNNINGHAM, Mr. BILBRAY, Ms. DUNN of Washington, Mr. BONO, Mr. PACKARD, Mr. MCKEON, Mr. RAMSTAD, Mr. DREIER, and Mr. EHRLICH.
H.R. 4066: Mr. DREIER.
H.R. 4071: Mr. PETERSON of Minnesota, Ms. LOFGREN, Mrs. MALONEY, Mr. EVANS, Mr. FROST, and Mr. ENSIGN.
H.R. 4072: Mr. TRAFICANT, Mr. EHLERS, Mr. MCINTOSH, Ms. DUNN of Washington, Mrs. CHENOWETH, Mr. MCHUGH, Mr. HOSTETTLER, Mr. RADANOVICH, and Mr. COMBEST.
H.R. 4081: Mr. BONIOR, Mr. PETERSON of Minnesota, and Mr. LIPINSKI.
H.R. 4102: Mr. POMEROY.
H.R. 4126: Mr. BONO.
H.R. 4133: Mr. CUMMINGS, Mr. CLINGER, Mr. COLEMAN, Mr. OLVER, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Mr. PORTMAN, Mr. CLAY, Mr. BARRETT of Wisconsin, Mr. CRAMER, Mrs. COLLINS of Illinois, Mr. SAWYER, Mr. OWENS, and Ms. KAPTUR.
H.R. 4137: Mr. MARTINI, Mr. CASTLE, Mr. GOODLATTE, and Mr. WELDON of Florida.
H.R. 4145: Mr. WAXMAN.
H.R. 4148: Mr. MANTON, Mr. WATT of North Carolina, Mr. VOLKMER, and Ms. DELAURO.
H.R. 4159: Mr. CRANE.
H. Con. Res. 76: Mr. MINGE.
H. Con. Res. 128: Mr. BROWN of California, Mr. RANGEL, and Mr. JACKSON.
H. Con. Res. 136: Ms. NORTON, Mr. ACKERMAN, and Mr. BILBRAY.
H. Con. Res. 213: Mr. GILMAN.
H. Con. Res. 215: Mr. LOBIONDO, Mr. FILNER, Mr. BATEMAN, and Mr. EVANS.
H. Res. 30: Mr. HASTINGS of Washington, Mr. CRAPO, and Mr. SAWYER.
H. Res. 346: Mr. HAYWORTH.
H. Res. 478: Ms. HARMAN.
H. Res. 501: Mrs. MEEK of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3559: Mr. TRAFICANT, Mr. EHLERS, Mr. MCINTOSH, Ms. DUNN of Washington, Mrs. CHENOWETH, and Mr. MCHUGH.

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PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a guest Chaplain this morning, the Reverend George W. Evans, Jr., of the Redeemer Lutheran Church in McLean, VA.

We are pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. George W. Evans, Jr., the Redeemer Lutheran Church, McLean, VA, offered the following prayer:

Let us pray. Holy Father, ever mindful of us, ever with us, of that we have been assured. It is true. We spend our days in Your sight. So teach us and so guide us that we may be mindful of Your presence.

In this honored Chamber for debate and decision, where the weight of government rests on the minds and hearts of these chosen women and men who contend here in the name of all our people, cause Your presence to mold what occurs. Intrude, O God, lest these Senators carrying our Nation's burdens and responsibilities lose Your voice amid all the voices that plead for their attention. If Your voice is still and small, give them quiet hearts, peace-filled minds, and receptive souls so they may discern Your presence and be drawn to Your ways. Never are they apart from You. It is urgent that they have the strength of this knowledge. Likewise, protect their homes and loved ones with the security of Your presence. Let no press of events, no calendar, no clamor for attention, no tumult of the day detract from the plain task of pursuing what You call needful, right, and just.

O God, blessed are You. O God, bless these Senators in this day's labors and through them the people of our land. In Your name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Mr. President, I yield to the Senator from North Dakota. The guest Chaplain this morning is from his church.

THE GUEST CHAPLAIN

Mr. DORGAN. Mr. President, I appreciate the courtesy of the Senator from Mississippi. The prayer this morning was offered by the Reverend George Evans, who is pastor at Redeemer Lutheran Church in McLean, VA.

When I remain in Washington, DC, on the weekends, I attend Pastor Evans' church. He is truly an inspiring Christian leader. He comes from Pennsylvania. He was a Chaplain in the Marine Corps for this country. Has served America and now serves his Christian duties in McLean, VA, at Redeemer Lutheran Church. I am very pleased he was able to be with us here in the U.S. Senate today to offer the opening prayer. Mr. President, I yield the floor.

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record at Reporters."

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning, to accommodate a number of requests by Senators, there will be a period for morning business until the hour of 12 noon. Following morning business, the Senate will proceed to executive session in order to consider the International Natural Rubber Treaty Agreement under the parameters of a previous unanimous-consent agreement. I understand that a rollcall vote will not be necessary on that treaty and that some of the debate time probably will be yielded back.

Following the disposition of that treaty, the Senate may be asked to turn to consideration of any of the following matters: the pipeline safety bill, with only one nongermane issue remaining unresolved; the work force development conference report—we attempted to reach a time agreement on that one, but have been unsuccessful; we will keep working on that—the debate on the veto message to accompany the partial-birth abortion bill override, the NIH reauthorization bill, or any other items that can be cleared for action.

The Senate may also be asked to begin consideration of the continuing resolution, if an agreement can be reached as to how to proceed on that. I continue to say that I would be glad to begin the debate and allow amendments to be offered as long as there is some order to it as to what we can expect to happen and when it would be completed. But just to start down the trail without any end in sight, without any certainty as to how we proceed, I do not believe is in the best interest of the Senate. We will continue to work on that. I hope we will be able to begin that appropriations bill today.

We do have the end of the fiscal year next week, on Monday as a matter of fact. It is imperative that we finish the work on that bill as quickly as possible.

I note that there are very important negotiations underway now to wrap up, not only the amounts in that continuing resolution, but also language that would be included. We are hoping we will be able to take up the illegal immigration bill also in some form before we go out for the year.

Senators should be alerted that rollcall votes are expected to occur throughout the day, but we do not have any agreed-to time right now as to when that might happen.

One final cautionary note. I do not feel a sense of urgency yet. I think Senators are still feeling, well, we can agree later. Time is running out. Example A is NIH reauthorization. Everybody says they want it, but we continue to not be able to bring it up. Today is the last day for NIH. If we do not get an agreement, I am going to call it up, somebody is going to have to come over here and object, and a very, very important piece of legislation that everybody knows we should pass will be gone for the year, because beyond today—Thursday, Friday, Saturday, Sunday, Monday—we are going to be involved in the partial-birth abortion ban debate and a vote tomorrow, and we are going to be involved in the continuing resolution, the DOD appropriations conference report, and the illegal immigration reform bill. There will not be any time for any other chitchat, even 1 hour on these other issues.

So for those of you who are interested in parks, those of you interested in NIH, those of you who think pipeline safety is something we should do—by the way, that legislation needs to be done before the end of the month also or we are going to have a lot of expiring laws on our hands. I hope the Senators will get serious. I have my doubt that they are serious. But I also have my limits in what I can do working with the Democratic leader because we have people coming and saying, ''Well, can we just have 6 hours? 4 hours? 1 hour?'' They are all gone. Today is the day. Do it today or it will be gone for the year.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak for not to exceed 5 minutes each.

Senator THOMAS from Wyoming is recognized for a period of 30 minutes.

Mr. THOMAS. Thank you, Mr. President.

ELECTION TIME IS DECISION TIME

Mr. THOMAS. Mr. President, several of us want to continue our discussions of the upcoming election, discussions that have to do with the issues that are involved. It is election time. Of course, as evidenced by what the leader said today, the time is short. It is election time, and it is decision time. This is a government of the people, by the people, and for the people. Therefore, there is a responsibility for all of us, as voters, of course, to participate in the election, to participate as informed voters.

If we are to have self-government, then the decisions and the direction that this country takes must be the result of the composite wisdom of voters. That time has arrived.

It seems almost a paradox that in a time when technically we have more information available to us than we have ever had in history—imagine 100 years ago how much we knew in Wyoming about what was going on in Washington. Very little. If we did, it was much after the event had happened. Now we know instantly, of course. The paradox is that it seems to me it is more difficult for us as voters now to kind of weed out among all the stuff that is out there as to what the real issues are. Whether it is the fault of the media, whether it is the idea of the media picking out the emotional things, whether it is the idea of professional campaign planners who spin and intentionally blur the issues, whether it is a Congress and an administration that seek to make the choices less clear, I do not know. Perhaps it is a combination of each of those.

Nevertheless, you and I have a responsibility to choose. On my way back Sunday, I had a book I have been intending to read about the Constitution. I was struck by the idea that the Constitution, and more particularly the Bill of Rights, was designed exclusively to limit the powers of Government. You do not find in the Bill of Rights, the Government will do this, the Government shall do this, the Government shall provide that. It says, the Government ''shall not.''

The great concern of our forefathers was to make sure that we limit the central Government, limit the power of central Government. Still, it seems to me, in our own way, in our own judgment, that is the choice we make. How do we see the Government? What do we think the role of the Federal Government is? Is it to provide all the little nice things we would like to have happen personally in our lives? Every day is a new program for something that is probably pretty nice. Is that the role? Or is the role more one of insuring freedom, insuring opportunity, insuring an environment in which the private sector can function, providing for strong local government, State and county?

These are the decisions, and I know my prejudices are pretty well arranged. I seek to have a Federal Government that is the protector of those things, rather than a provider of those things. Obviously, there are things that are appropriate for the Federal Government to do—in interstate commerce, in defense and those kind of things. Those are the decisions that we will make. I hope each of us is prepared to do that.

I happen to think we have begun to do some of those things in the last 2 years in this Congress, and, in fact, this has been one of the most effective Congresses we have had for a very long time. Unfortunately, our minority leader does not agree with that. He was quoted as saying this has not been a productive Congress. I am sorry to hear him say that. I do not agree. We will talk about a number of things that have been done, things I believe move us more into the direction of a smaller Federal Government, a less expensive Federal Government, a less regulated society.

Lower taxes: In the 104th Congress, the Republicans passed a $245 billion tax cut, including a $500 child tax credit to move toward allowing families to spend their own money, to allow families to provide for their children. Unfortunately, it was vetoed by the President.

Lower spending: This Congress has cut spending $9.3 billion in 1995, and $23 billion in 1996 was eliminated from 270 programs. That is good. I think that is a real movement. The administration claims to have reduced the size of Government. Indeed they have—they claim, 200,000. The fact is that most was from the base closures, civilian employees of defense; the other was the termination of the savings and loan. Nevertheless, it reduced employees, and that is good.

Balanced budget: How many times before the last 2 years did you hear people talking about balancing the budget? Not very much. It has not been balanced in 40 years. Now, suddenly, everyone is for it. The discussion is not, do you balance the budget; the discussion is, how do you do that? Unfortunately, the balanced budget amendment to the Constitution was defeated here. Nevertheless, we now are on the road to a balanced budget.

Ending welfare as we know it: We have done that, something that has not been done for a very long time, providing the States more opportunity to do something about the entitlement aspect of welfare. Everybody wants to help people who need help. The question is, how do we help them to help themselves? That is what we have sought to do. It took three times to get it passed. Nevertheless, it is a success.

Market-based health reform: Portability, availability, limited medical savings account, the end to preexisting condition exclusions, combat fraud and waste in health care. A success.

Here is an interesting one, ensuring access to higher education. This Congress increased student loan volume by 50 percent, from $24 billion to $36 billion in 2002. Unfortunately, it was vetoed as part of the balanced budget amendment.

Farm programs: Many of us have been involved in farm programs for a very long time. Most everyone has said we need to move toward market orientation, toward the marketplace. Finally, we have done that over a period of 7 years. Agriculture is moving toward a market-oriented economy. It needs to be done. Finally, it is done.

We helped to end lawsuit abuse. Securities litigation was passed. Unfortunately, it was vetoed. Telecommunications was passed. A deregulation of telecommunications which give us some of the kind of new opportunities to communicate that we have never had.

Unfunded mandates is something that local governments have been talking about for a very long time. Unfunded mandates reforms were passed this time.

Regulatory reform: Unfortunately, the real broad one was killed. I think it should have been passed. A lesser one was passed.

Mr. President, we have done a lot of things this time. Line-item veto: A line-item veto in 40 years has not been done. This Congress passed a line-item veto.

Congressional accountability: People in this place, now, have to live under the same rules in their offices and in their conduct, the same as everybody else, in the laws they pass for others.

Reduce congressional funding, small business regulatory reform, gift ban.

Mr. President, I think this has been an extremely successful Congress. The choice with respect to the election is, do we want to continue in this direction, or do we want to go back to where we have been for 40 years in continuing to grow with the kind of Lyndon Johnson programs we have had? That is the choice. It is really the choice.

I think, in addition, and perhaps as important as anything, this Congress has changed the culture of Washington. For the first time, I think, in a very long time—certainly for the first time since I have been here in 6 years—the Congress really took a look at programs that exist and said, do they need to continue to exist? If so, can they be done more efficiently? Could they be done more efficiently by the States or local government? These are the kind of things that need to be examined constantly.

I have a bill that I hope gets consideration next year which would give us a biannual budget so we do not each year spend all of our time on appropriations bills. As you can see by the leader's comments this morning, we are still working on them, and we will not get them done at all this year. We do that every year. I hope, as most States do, we can go to a biannual budget. It is better for agencies. Then we can spend the last year with oversight, looking at programs, to see if indeed this is a better way to do it.

There are a great many things we can do, a great many things we have done. Mr. President, my whole point is, in this election, we make some choices. It is not always easy. It is not always easy to determine where the choices lie, of course. We see all the advertisements, and sometimes you wonder where they are. But I think we have a responsibility to ask, to seek, to point out where these things are. Where do you stand on the balanced budget amendment? Where do you stand on less Government rather than more? Where do you stand on less taxes rather than more? I think those are the basic issues that you and I need to decide. I urge we all do that.

There are other issues, of course. The issue of character, I think, is one. I think we have to ask ourselves, what do we expect of leaders in terms of character? As we look back, character has been an important factor, has been a key factor, and continues to be.

Mr. President, we have some choices. The choices, frankly, are rather clear. We can go back where we were or we can continue the kinds of things that have been done in this Congress in the last 2 years, and it does need an opportunity to continue. You can't change 40 years of history and turn things around in 2 years. Despite the difficulties, it is my view that this Congress has done exceptionally well and will go down in history as one who has sought to turn the direction of this country. I hope that we continue to do that.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

THE POSITIVE ACCOMPLISHMENTS OF CONGRESS

Mr. INHOFE. Mr. President, we hear so many negative things, and it is kind of enjoyable to talk about what has been accomplished sometimes. The Senator from Wyoming has been very articulate in expressing those positive things. I remember in 1987 when I was first elected to the other body. We had as our class project at that time to repeal the earnings test. I have always felt there is nothing more un-American than to tell the people in America that once you reach a certain age, you have to become nonproductive, and if you are not nonproductive, then we are going to take away some of your Social Security. Well, we tried for about 10 years to get that done, and it was not until we had a Republican Congress that we were able to have a major reform. We haven't totally repealed it, but we will phase into a position where we actually will be telling the people of America that you are not going to be punished if you decide to be productive past a certain age.

Many years ago, I was the mayor of a major city in America, Tulsa, OK, and every time I go and talk to mayors now, I say, ''Tell us what the major problem facing your city has been.'' They don't say it's crime in the streets and welfare. They say it's unfunded mandates. I can remember so well as the mayor of the city of Tulsa when the Federal Government would come and tell us certain things that we had to do, and if we didn't do it, they are going to be taking money away from us, or if we did it, we would have to pay for it ourselves. Consequently, it would be up to us to allow Congress in Washington, with all of the lofty attitudes that they seem to portray here, to say that we have done these wonderful things for the people of America, and to say that some political subdivision underneath them—the cities, or counties, or States—had to pay for them.

We passed an unfunded mandates bill where we are not going to be faced with that anymore. I would like for it to have been retroactive, but it could not have been. So that has been resolved. It is a major reform, and it was done by this Congress. I am very, very proud of

that. I counted the reforms we have passed, and I would challenge anybody to find a 10-year period in history when there have been more reforms passed by Congress than we have passed.

Congressional accountability—the fact that we now have to live under the same laws that we impose upon other people in the rest of the country. I spent 30 years in the private sector. I understand what it is like to have to live under an overregulated society, and, yet, Members of Congress historically have been exempt from most of those impositions. Now they are going to have to live under the same laws that we pass for other people. I think that is a major accomplishment of this Republican Congress.

The line-item veto: As long as I can remember, we have talked about that—about reforming the line-item veto. A lot of my friends say, well, I would like to have the line-item veto, as long as we know we have a conservative in the White House, or the other side of the fence would say they would like to have a line-item veto as long as we have a liberal there. But I suggest to you, Mr. President, that they miss the point when they say that, because all a line-item veto does is force the President and Congress to be accountable. Republicans and Democrats in the White House, for decades, have been able to say, well, I didn't want that law, but I had to either sign that because veterans benefits are in there, or something else was in there, and consequently they go ahead and sign something that they say they are opposed to. This forces them, or him, or her, Democrat or Republican, to be accountable, so that if there is 1 thing out of 25 things in a bill that he doesn't like, he can veto it and send it back, and that makes us accountable.

So the whole idea there is accountability. We have passed that. I feel very good about it and think that is a major improvement. Back before I was in the U.S. Senate, I represented an all-urban area, primarily one county in the State of Oklahoma. So I did not have much of the agricultural areas and interests in my district. But I found, as I traveled around the State after becoming a Member of the U.S. Senate, where I had largely an agricultural State, the people who are in the farm communities in Oklahoma—and I suspect it is that way throughout the Nation—really have felt that we have had a failed agricultural policy in this country, that we have imposed upon our farmers things that they must do. Yet, they are not free to plant what they think the market will bear and what will best take care of their needs.

Well, the Freedom to Farm Act was passed, and I find, as I go around—as I did, as a matter of fact, only Monday of this week. I had, I think, seven town meetings throughout agricultural areas in Oklahoma. They all think it is very good.

Do you know what else they think, Mr. President? They want to do something about property rights. Well, that is one area where we have not been successful. I would like to say that we are able to pass all of the reforms that we wanted to pass. Unfortunately, several of them were vetoed by this President. The reform that will go down, I think, in history as the most significant reform that the public is aware of would be welfare reform. I have to remind you that President Clinton vetoed this bill twice. We passed a welfare reform bill that was based on what he campaigned on for President in 1992. He vetoed it, and then he vetoed it a second time. But just as we are getting into the final stages of the Presidential election year, he has signed it. At the same time, he has whispered to his friends on the left that if he is reelected, he will change some of the reforms that we have in the welfare bill.

There are three things I have often said that make us globally noncompetitive, Mr. President. One is that we are overtaxed. The other is we are overregulated. Third is our tort laws in this country. I was proud to be a part of the success in changing our tort laws as it pertains to just one manufacturing item: airplanes and airplane parts. I have about a 39-year history and background in aviation. So I know a little bit about that. Prior to 1970, we made almost the entire world supply of airplanes in the United States—a major export item. And then, over the 10-year period of the 1970's, and up through to the present time, we quit making single-engine airplanes in America. We quit making them only for one reason, which is that you can't be globally competitive and offset the cost of all these lawsuits. So we have lawsuit after lawsuit against manufacturers of airplane parts and of airplanes where maybe it has worked perfectly well for 50 years, but all of a sudden there is an accident and they will go back and get a multimillion-dollar judgment against the manufacturer, and, consequently, our manufacturers either went broke or quit making small airplanes.

I remember the case of Piper Aircraft. They said to the bankruptcy court, ''We can move our plant and all of our equipment to Canada and make the same airplanes and supply the same market and do so at a profit because of the fact that they don't have the tort laws we have in this country.'' So we passed a bill. Even though the President made a commitment to veto any kind of meaningful tort reform, he signed it because we had so much pressure out there. People realized this is a major manufacturing area that could benefit all of America.

In Oklahoma alone, we can identify 4,000 jobs as a result of that one tort reform. Well, it would only stand to reason that if we can put America back into making airplanes by having tort reform, insofar as the manufacture of airplanes and parts is concerned, why not spread that across the entire manufacturing base? So we did. We passed a bill that would make America competitive again, and the President vetoed it.

So I think we have a lot of things that we wanted to do. There was the $500-per-child tax credit, which the President vetoed. There was regulation reform, and some of the marriage penalties that we were going to correct, and the President vetoed it.

In spite of that, we have been a very productive House and Senate, and I am very proud of the major reforms that have passed. I only regret that we were unable to get them all passed because of the vetoes of the President, and perhaps that will change in the near future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

SENATOR PAUL SIMON

Mr. BROWN. Mr. President, I rise to pay tribute to our departing colleague, PAUL SIMON.

All of us have an image of what a U.S. Senator ought to be. It will not surprise anyone that not all who serve here measure up. PAUL SIMON is someone who clearly measures up. He is thoughtful, hard-working, and committed. He has a clear philosophy and the integrity to stand up for it. PAUL'S manner is open. His approach is thoughtful and considerate. He is one who cares more about solving problems than making himself look good.

I think of him as a part of a long line of Senators from Illinois that are epitomized by Paul Douglas. Perhaps I should say that in my mind Paul Douglas is epitomized by PAUL SIMON because both of them brought great integrity and intellect to this body.

It is not unusual for PAUL SIMON and I to be on opposite sides of an issue. But, I have never found him to be unwilling to listen or unwilling to be objective. He is the kind of person who comes here to serve, who displays integrity in office, and places the integrity of his person above selfish interests.

It has been a great privilege for me to work with PAUL SIMON. He is someone I admire now and I will admire him for the rest of my life because he embodies, the best that is in us. He has brought this body a nobleness which is in short supply. As one who hopes the Republican Party will win the seat in Illinois, I will still be sad to see PAUL SIMON go. He has enriched this body. He has enriched all of

us who have had the pleasure to serve with him.

I yield the floor.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Colorado for those excellent words about a colleague—a very serious tribute, a very sincere one, and we are grateful to him as a friend of PAUL'S for his observations about his service. I thank him for his very generous comments. I am sure Senator SIMON will, but I would certainly agree with all of his conclusions. I thank him for making those views clear on the Senate floor today.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for up to 30 minutes.

THE CONGRESS, THE PRESIDENT, AND HEALTH CARE

Mr. KENNEDY. Mr. President, this past weekend, Bob Dole used his Saturday radio address to attack the President's record on health care. He repeated his attack yesterday. He even claimed credit for passage of the Kassebaum-Kennedy health insurance reform bill.

Few issues are more important to the American people than access to affordable, quality health care. They want it for their children, for their parents, and for themselves. But Bob Dole was wrong on his facts, and he was wrong in his conclusions.

On health care, the choice in November is clear. President Clinton and Democrats in Congress stand on the side of American families. Bob Dole and the Republican leadership in Congress have consistently put families last and special interests first when it comes to health care and health reform.

The Republican leadership in this Dole-Gingrich Congress tried to slash Medicare. They tried to trash Medicaid. Bob Dole personally tried to kill the Kassebaum-Kennedy bill. The Republican leadership blocked mental health parity and new protection for mothers and infants, until Democratic members of Congress forced them to act. Republicans continue to resist enactment of a simple rule telling HMO's and insurance companies that they can't prohibit doctors from telling patients about medical treatments they need.

Throughout this Congress, Republicans have been obstructionists on health care reform. There is no reason to believe they will deal constructively with the problems facing our health care system if they retain control of the Congress or win the White House.

President Clinton and Democrats in Congress are committed to genuine progress on health reform. The American people know we're on their side. Every American who works hard and plays by the rules should have access to affordable health insurance coverage. Senior citizens deserve the Medicare they have earned. They should also be able to keep their own doctor, and be protected against profiteering by private insurance companies.

Senior citizens deserve quality nursing home care, without bankrupting their families. President Clinton has led the effort to fill the gaps in Medicare by providing coverage for prescription drugs, and for long-term care in a nursing home or a senior citizen's own home.

Americans deserve protection against the excesses of insurance companies that put healthy profits above healthy patients. They deserve a strong FDA to protect people from harmful drugs, guarantee a safe food supply, and crack down on shameful tobacco industry practices that entice children to start smoking.

These are basic principles that the vast majority of Americans support—but not Bob Dole, NEWT GINGRICH, and Republicans in Congress. NEWT GINGRICH has said that he wants Medicare to wither on the vine.'' House Majority Leader DICK ARMEY has called it a program that he would have no part of in a free world.'' Bob Dole said that he is proud to have voted against Medicare at the beginning. As he told the American Conservative Union, ''I was there, fighting the fight, voting against Medicare, one of twelve, because we knew it wouldn't work.''

That was said not in 1965, Mr. President, but in his run for the Presidency.

The Dole-Gingrich Republican budget would have slashed Medicare by $270 billion. Under the Republican budget Bob Dole forced through the Senate, Medicare premiums would have doubled, deductibles would have doubled, and the Medicare age of eligibility would have been raised.

Every senior couple would have paid an additional $2,400 over the life of the plan in increased premiums alone. Make no mistake, Bob Dole and the Republican Congress are no friends of Medicare.

To make matters worse, Bob Dole and NEWT GINGRICH formed an unholy alliance with the private insurance industry to try to privatize Medicare, to force senior citizens to give up their family doctor, leave conventional Medicare, and join a private insurance plan. The Republicans claimed their plan was intended to give senior citizens a choice. But as all elderly Americans know, giving up the doctor they have chosen to provide billions of dollars in profits for private insurance companies is no choice at all. Again and again, Congress voted on these issues. Again and again, Bob Dole voted with most Republicans in favor of private insurance plans and against senior citizens.

Bob Dole claimed before the 1994 election that Republicans had no plan to cut Medicare. He said that President Clinton and the Democrats were just using scare tactics. Bob Dole is saying the same thing this year—but this time the American people know better, because they know Medicare was put on the chopping block by this Republican Congress.

Despite various promises made prior to the 1994 election that there would be no cuts in Medicare, the Republicans proposed cuts of $270 billion to Medicare to pay for a $245 billion tax cut. Now Bob Dole is talking about an economic plan that will cost $681 billion over a 7-year period. He has indicated he is not going to cut the defense budget; in fact, he has said he would increase the defense budget with additional funding for B–2 bombers and a number of other areas.

The whole question is how can we have any confidence that the Medicare cut is not going to be of a similar proportion in spite of his statements made prior to the election. ''President Clinton and Vice President GORE are resorting to scare tactics falsely accusing Republicans of secret plans to cut Medicare benefits.'' Bob Dole said this just before the election in 1994. Haley Barbour said the same thing: ''As far as I'm concerned, the Democrats' big lie campaign is that the Contract With America would require huge Medicare cuts. It would not.''

Soon after the election, the GOP introduced their plan: $270 billion in cuts in Medicare to pay for $245 billion in tax cuts.

Republicans in Congress didn't stop with Medicare. They also proposed deep cuts in Medicaid—a devastating one-two punch for senior citizens and the disabled. Under the GOP plan, 9 million Americans—children, senior citizens, and the disabled—would have lost health care coverage under Medicaid. They proposed to slash the program by $180 billion. They also proposed to eliminate Federal nursing home quality standards—not modify them, not improve them, but eliminate them.

No one should be forced to go back to the time before Federal nursing home quality standards were enacted in 1987. Elderly patients were often allowed to go uncleaned for days, lying in their own excrement. They were tied to wheelchairs and beds under conditions that would not be tolerated in any prison in America.

Deliberate abuse and outright violence were inflicted on helpless senior citizens by callous and sadistic attendants. Painful, untreated, and completely avoidable bedsores were widespread. Patients were scalded to death in hot baths and showers, sedated to the point of unconsciousness, or isolated from all normal life—all because fly-by-night nursing home operators were profiteering from the misery of their patients.

Congress stopped all that by insisting that all nursing homes must meet basic standards. Yet those are the standards that Bob Dole and NEWT GINGRICH tried to eliminate. They would also have removed protections against impoverishing children and spouses of senior citizens who need nursing home care.

Democrats opposed all of these Republican schemes. As the debate in Congress took place and the American people came to understand what was at stake, Republicans retreated from their most extreme proposals. But the retreat was always grudging. The desire to roll back basic protections was always there. If Republicans retain control of the Congress, we are likely to see a new Republican effort to enact these cruel and unfair proposals.

The Dole-Gingrich Republican plan for Medicare and Medicaid made a mockery of the family values they claim to support. Under their plan, millions of elderly Americans would have been forced to go without the health care they need. Millions more would have to choose between food on the table, adequate heat in the winter, paying the rent, or paying for medical care. Senior citizens have earned their Medicare benefits. They have paid for them. They deserve them. And we don't intend to let Republicans take them away.

President Clinton and Democrats in Congress stopped the Republican assault for the time being. Now it is up to the American people to stop it for good, by the ballots cast in November. Republicans must never again have the opportunity to turn Medicare into a slush fund for tax breaks for the wealthy.

Younger Americans, too, deserve affordable health insurance for themselves and their families. President Clinton has fought hard to give all Americans the guarantee that health care will be there when they need it.

The Kassebaum-Kennedy health insurance reform bill passed by this Congress will end some of the worst abuses in the current system. It guarantees that, as long as you faithfully pay your premiums, your insurance cannot be taken away—even if you become seriously ill, or lose your job, or change your job. Under that bill, insurance companies can no longer impose preexisting condition exclusions on your coverage, as long as you do not let your insurance lapse. The bill opens the door of opportunity for Americans locked in their current job and afraid to pursue new opportunities for fear they would lose their coverage or face exclusions for preexisting conditions.

In the end, this legislation was bipartisan. It passed the Senate 98 to 0. But without President Clinton's leadership it would never have become law. The bill languished on the Senate Calendar for months, with no hope of passage, because Bob Dole refused to let the Senate act. It passed the Labor and Human Resources Committee 17 to 0 on August 2, but in spite of repeated requests Senator Dole refused to bring it up. He hid for months behind a series of rolling, anonymous holds placed by Republican Senators at the insistence of the insurance industry.

Ultimately, Bob Dole, who controled the Senate Calendar, stalled, stonewalled, and sabotaged every effort to bring the bill forward and succeeded in delaying it for 9 months. And, if he had his way, he would have killed it.

The gridlock finally began to break when President Clinton highlighted the bill in his State of the Union Address last January. When the press focused on the anonymous holds that were holding the legislation captive and Senator Dole's refusal to bring it to the floor, public pressure began to mount. But he still refused to act. Only when the ''Nightline'' program confronted Senator Dole directly in New Hampshire and demanded to know why he was holding up the legislation did he finally agree to bring the bill to the floor.

How ironic that Senator Dole has the gall to claim credit for the insurance reform bill. It passed the Labor Committee in August. It was on the Senate Calendar by the beginning of October. Time and time again, Senator Dole was asked to bring the bill up by Senator KASSEBAUM and myself. We asked for floor time in November, but he refused. Senator KASSEBAUM and I, we asked for floor time in December, but he refused. We asked for floor time in January, but he refused. And he claims credit for this legislation.

What was Bob Dole's excuse? Well, there were holds on the bill—anonymous holds. But those holds were not anonymous to the majority leader. He knew who was blocking the bill. And he knew that he could bring the bill to the floor any time he wanted. But he did nothing—because his friends in the insurance industry did not want the bill to pass. And he claims credit for this legislation.

It was President's Clinton's call to pass this legislation in the State of the Union on January 23 that focused the attention of the press and the public on the Senate's failure to act. Editorials called for action, but still Senator Dole refused. There were holds on the bill, he said—even though everyone knows that a majority leader can override any hold from any Senator. But Bob Dole still refused to act.

The press kept up its drumbeat. What is this rolling hold? Where is Senator Dole? The press even identified some of the Senators placing holds—but where was Bob Dole? Did he urge any of these Senators to lift these holds?

And then came the breakthrough. ''Nightline'' confronted Senator Dole on January 31 in New Hampshire. He refused to explain why he would not bring the bill to the floor. Miraculously, the next day, Senator Dole moved to lift the holds. But he still tried to delay the bill as long as possible, so the health insurance industry could mobilize to kill or gut the bill.

He asked that the consent agreement delay the bill for an additional 6 months, to the July 4 recess. When Democrats refused to go along with yet another delay, Senator Dole proposed to delay for 5 months—until Memorial Day. And he wants to claim credit for this bill.

Finally, with increasing pressure from the public, Senator Dole finally agreed to schedule the bill—but he still delayed its consideration to April 15, at the earliest.

Anyone would think that there was tremendously important legislation tieing up the floor for these many months. But what was Senator Dole finding time for? Mostly nothing. Of course, there was work going on off the Senate floor on the budget, but for most of February, Senator Dole kept the Senate out of session, so he could campaign. When he came back to Washington, his main priority was extending Senator D'AMATO's investigation of Whitewater. He also found time to schedule votes on legislation that would have gutted food safety, environmental safety and a host of other consumer protection for the benefit of big business. But health insurance protection for the American people was not on Senator Dole's priority list. And he wants to claim credit for this legislation.

Even when the bill passed the Senate, Bob Dole and the House leadership still delayed it for months by their insistence on stacking the deck of the conference to include a provision on medical savings accounts that was a giveaway to the Golden Rule Insurance Co. and a threat to everyone with a comprehensive insurance policy.

As late as the day before the bill was finally passed, congressional Republicans and their special interest allies in the insurance industry were trying to weaken key provisions allowing people to buy individual insurance coverage if they lost coverage through an employer.

For many months this moderate, non-partisan bill was adamantly opposed by insurance companies that profit from the worst abuses of the current system. And Bob Dole was actively supporting their opposition and delay.

The story of insurance against mental illness is similar. The Domenici-Wellstone amendment to give the mentally ill and their families fair treatment was a bipartisan effort. It received overwhelming votes in the Senate both times it was considered. But the insurance industry opposed it. And so the Republican House leadership insisted on dropping it from the Kassebaum-Kennedy bill, and fought up to the last moment to keep it out of the VA–HUD appropriations bill. And Bob Dole never lifted a finger to help. He was MIA at every critical stage of the debate.

Quality health care for the American people also depends on a strong Food and Drug Administration, to guarantee that food is healthy, that prescription drugs will cure and not kill, and that medical devices will sustain and improve life, rather than end it.

But Republicans in Congress have a different priority. They want to turn critical functions of the FDA over to the tender mercies of private companies hired and paid for by the very

manufacturers whose products they are supposed to regulate.

President Clinton and Democrats in Congress refuse to allow Republicans to expose Americans again to drug disasters like thalidomide and DES and device failures like the Dalkon shield and the Shiley heart valve.

And unlike Senator Dole, President Clinton and Democrats know that tobacco is addictive, and that children deserve protection from the unconscionable targeted assaults of tobacco advertising.

Another key health issue for families is the quality of the insurance they purchase with their premium dollars. The growth of managed care and HMO's in recent years has been soaring. Today, more than half of all Americans with private insurance are enrolled in such plans. Seventy percent of covered employees in businesses with more than 10 employees are enrolled in managed care. Between 1990 and 1995 alone, the proportion of Blue Cross and Blue Shield enrollees participating in managed care plans rose from just one in five to almost half. Even conventional fee-for-service plans have increasingly adopted features of managed care, such as ongoing medical review and case management.

At its best, managed care can improve quality while reducing costs. But at its worst, managed care puts the bottom line ahead of the patient's health—and pressures physicians to do the same. The most widespread abuses include failure to inform patients of particular treatments; excessive barriers to specialists for evaluation and treatment; unwillingness to order appropriate diagnostic tests; evicting mothers and infants prematurely from hospitals; and refusal to pay for potentially lifesaving treatment. In too many cases, these failures have had tragic consequences.

President Clinton and Democrats—Senator BRADLEY, Senator WYDEN, others—have fought to end these abuses, and we will do more in a Democratic Congress. We fought for the Mothers and Infants Protection Act, which guarantees that a mother will not be forced to leave the hospital too soon after her baby is born. We are urging legislation to bar HMO gag rules, to prevent insurance companies from prohibiting physicians from giving all the facts to their patients. The Mothers and Infants Protection Act is on the verge of becoming law—because Republican opposition was proving too costly with the public.

But just the other day, the Republican leadership in the Senate used a parliamentarian technicality to kill legislation to prohibit managed care plans from gagging doctors. Negotiations are continuing, and I hope this legislation can still be passed before the end of the year.

But if it does pass, it will be in large measure because President Clinton and Democrats in Congress have championed it over relentless Republican opposition.

We all know the many other serious health issues facing the country. Down-sizing, layoffs, cutbacks, the growth of the contingent work force, and the escalating cost of health insurance are peeling back the protections that most Americans count on for themselves and their families. According to recent projections, less than half of all Americans will enjoy reliable, on-the-job health insurance by the year 2002.

President Clinton and Democrats in Congress will work to reverse these trends and give all families the health insurance protection they deserve. President Clinton has already proposed assistance to help workers between jobs keep their health insurance. Democrats in Congress are pledged to put affordable health insurance for children within the reach of every family. That is leadership provided by my colleague and friend from Massachusetts, Senator KERRY.

The Republican leadership in Congress and Bob Dole refuse to deal with these issues. They oppose us every step of the way. Their record shows that they care more about protecting powerful special interests than protecting American families.

It is ironic that Bob Dole in recent days has been attacking President Clinton on health care. Whether the issue is Medicare, Medicaid, health care for working families, safe and effective medical products, mental health parity, or protection against the abuses of the private insurance industry, the record is clear. President Clinton and Democrats in Congress want to preserve and protect the benefits that the American people have earned. We want to do more to meet the challenge of providing adequate health care to senior citizens and all working families.

By contrast, Bob Dole and Republicans want to turn the clock back. Whether the issue is slashing Medicare to pay for new tax breaks for the wealthy, enabling insurance firms to reap greater profits at the expense of senior citizens, and other families, Republican priorities are as clear as they are wrong. President Clinton and a Democratic Congress will reverse those backward Republican priorities in the next 4 years.

Bob Dole is right. Health care is a defining issue, but the issue is not, as he claims, whether the Government should run the health care system. That kind of charge is a smokescreen. The real issue is whether Government is on the side of American people, or allied with the greedy guardians of the status quo. On all of the critical issues of health reform, President Clinton and Democrats have consistently fought for better health care for families, and we will continue to do so in the years ahead.

Mr. President, I yield back my time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington. [Mrs. MURRAY] is recognized to speak up to 10 minutes.

Mrs. MURRAY. I thank the Chair.

TRIBUTE TO DR. JOHN N. LEIN

Mrs. MURRAY. Mr. President, I rise today, along with my senior colleague from the State of Washington, to honor a very special individual from our home State. I want to take a few minutes today to honor Jack Lein, not only for his decades of service to Washington State, but for his tireless dedication and commitment to this Nation's health and education.

Mr. President, Jack Lein was born and raised near former House Speaker Tom Foley in Spokane, WA. He served his country bravely during World War II as a medical corpsman atop the mountains of Idaho. Though Jack would tell us he saw very limited military conflict above America's prized potato fields, he did begin a career of medical service that has now spanned generations.

After receiving his medical degree in 1955 and spending some time in private practice, he joined the faculty and administration of the University of Washington where he has remained for over 32 years. Being myself a proud alumnus of Washington State University, it is, indeed, difficult to salute a man so entrenched in the success of our rival, the University of Washington. But I am proud to say, Dr. Lein's tenure at the university has helped to produce one of this Nation's premier research and health science facilities.

Dr. Lein's career at the University of Washington has encompassed most aspects of modern medicine, medical and health sciences education, university administration and Federal relations. He founded the University of Washington School of Medicine continuing medical education program and was its director for 19 years. He was also assistant dean and then associate dean of the school of medicine. He pioneered regionalized medical education and served as the university's vice president for health sciences, the highest academic administrative position ever achieved by a UW graduate.

Dr. Lein's work will be seen by generations to come through his perseverance and foresight which has produced and will continue to produce thousands of America's health professionals. His leadership has been noted by both his peers and the press. In 1993, Dr. Lein was honored with the Recognition Award by the Society for Teachers of Family Medicine. For the third consecutive year, the University of Washington School of Medicine was ranked the best primary care medical school in the Nation. Among medical teaching disciplines, the UW ranked first in family and rural medicine, third in women's health care and fifth in pediatrics.

Although it may be appropriate to call the university's last three decades the ''Lein'' years, that description would be far from accurate. As the director of Federal relations, Dr. Lein

has transformed the university into one of the Nation's leading research universities. The University of Washington has been ranked in the top five in receipt of Federal grant and contract dollars, which account for 80 percent of the university's grant funding.

If anyone could document the history of Washington State's congressional delegation over the last 50 years, it would be Jack. His wit is legendary around Washington State circles, and he can quickly recount a story about Scoop or Dan Evans. Jack will tell you that Maggie thought ''foreign policy was anything outside Washington State.'' He was always there with either the right information or the right resource to find the answer.

Dr. Lein will step down from his position at the university at the end of this year. His absence will be felt by U.S. Senators, congressional staff, college faculty, and students for many years to come.

Mr. President, on behalf of the citizens of Washington State, I salute Dr. Jack Lein and his wife, Claire, for a lifetime of dedicated service to his alma mater, his State and his Nation.

Jack, we will miss you, but we will always know that you are close by.

Mr. President, I yield the remainder of my time to the senior Senator from the State of Washington.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for the two of us who represent the State of Washington in the U.S. Senate, this is a day that is both joyous and sad. It is sad because on December 31 of this year, we will miss the company of Dr. Jack Lein who, for decades, has represented the University of Washington before this body and with particularly, of course, the Members of the House of Representatives and the Senate who represent the State of Washington.

It is a happy occasion, of course, because it gives us an opportunity to crown his career with at least a tiny share of the praise that it deserves.

I can say, Mr. President, after a relatively long career in the U.S. Senate and an even longer one in the Government of the State of Washington, that no person, no individual representing an institution has matched Jack Lein in the quality of his knowledge about the issues that he brings to us, in his dedication to the university that he represents, or in the personal qualities which cause all of us to welcome him into our office, to go out of our way to seek his company and to learn from him.

He has been nonpartisan or bipartisan in the highest sense of that term, with an ability to tell wonderful and always affirmative stories about the people he has met along the way, but with the overwhelming ability to cause us, who obviously believe in our university and want to help our university, to go even further than we would otherwise do simply because it is so important to please him and to help him.

He will be not just difficult to follow in that respect, he will be impossible to follow in that respect. So from the point of view of this Senator—and I know that my sentiments are shared, as they have already been expressed, by my junior colleague—we are not just simply missing someone who represents a vital institution to us here in this body, we are going to miss a very close friend, a good and delightful companion, a wonderful servant of this institution and his State and his medical profession in Dr. Jack Lein. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator would withhold that request for just a moment.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report accompanying H.R. 3666 will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of September 20, 1996.)

Mr. BOND. Mr. President, I wish to express my appreciation to the leadership and the Members on both sides for allowing the VA–HUD, independent agencies bill, H.R. 3666, to be passed.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 3666, the VA–HUD appropriations bill for 1997.

This bill provides new budget authority of $84.3 billion and new outlays of $49.7 billion to finance operations of the Department of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $84.3 billion in budget authority and $98.7 billion in outlays. The total bill is under the Senate subcommittee's 602(b) nondefense allocation by $43 million for budget authority and by $8 million for outlays. The subcommittee is also under its defense allocation by $3 million for budget authority and by $4 million for outlays.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 3666.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VA–HUD SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1997, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	61
H.R. 3666, conference report	126	64
Scorekeeping adjustment	.....	.....
Subtotal defense discretionary	126	125
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	365	47,431
H.R. 3666, conference report	63,917	31,589
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	64,282	79,020
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	1,153
H.R. 3666, conference report	20,260	18,013
Adjustment to conform mandatory programs with Budget Resolution assumptions	−406	381
Subtotal mandatory	19,854	19,547
Adjusted bill total	84,262	98,692
Senate Subcommittee 602(b) allocation:		
Defense discretionary	129	129
Nondefense discretionary	64,325	79,048
Violent crime reduction trust fund	.....	.....
Mandatory	19,854	19,547
Total allocation	84,308	98,724
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−3	−4
Nondefense discretionary	−43	−28
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−46	−32

Note: Details may not add to totals due to rounding. Totals adjusting for consistency with current scorekeeping conventions. Prepared by SBC Majority Staff, Sept. 24, 1996.

SECTION 8 MULTIFAMILY HOUSING PORTFOLIO DEMONSTRATION

Mr. BOND. Mr. President, a number of my colleagues have questions concerning the implementation of the section 8 multifamily housing portfolio demonstration—Section 8 mark-to-market—which was adopted as part of the conference report to H.R. 3666, the VA/HUD fiscal year 1997 Appropriations Act. The purpose of this statement is to clarify these questions for my colleagues, as well as for HUD. The conference report adopts a bipartisan strategy to build on the section 8 multifamily housing portfolio restructuring demonstration which was adopted as part of the HUD fiscal year 1996 appropriations bill, H.R. 3019, a further downpayment toward a balanced budget.

The conference report establishes a revised demonstration program to emphasize that portfolio restructuring needs to be undertaken to reform and improve the FHA multifamily housing programs from a financial and operating perspective, but not to abandon the long-term commitment to resident protection and ongoing low-income affordability. The revised demonstration, therefore, continues to give HUD a

number of flexible tools for restructuring section 8 assisted, FHA-insured projects, while emphasizing the preservation of the existing stock as low-income housing by generally restructuring these FHA-insured mortgages and reducing the cost of renewing the section 8 contracts. I emphasize that this demonstration, including the concept of reasonable offer, is intended to preserve affordable low-income housing, prevent the dislocation of current residents, preserve the rights of current owners who have complied with program requirements, and to not create any significant exposure of tax liability to owners.

The section 8 mark-to-market inventory covers some 8,500 projects with almost one million units that are both FHA-insured and whose debt service is almost totally dependent on rental assistance payments made under section 8 project-based contracts. Most of these projects serve very low-income families, with approximately 37 percent of the stock serving elderly families. Many of these projects are oversubsidized and, without the renewal of expiring section 8 contracts, are at risk of mortgage default. This raises concerns of owner disinvestment, resident displacement, and government ownership, management and disposition of this housing inventory. While continuing the existing subsidy arrangements would be very popular to both owners and tenants, the combination of the Federal Government overpaying for the value of this low-income housing resource as well as the growing tide of discretionary budget cuts require new policies and reforms to these programs.

The cost of renewing the section 8 project-based contracts on this multifamily housing inventory emphasizes the many difficult budget and policy issues which need to be addressed as Congress reevaluates Federal housing policy. In particular, according to HUD estimates, the cost of all section 8 contract renewals, both tenant-based and project-based, will require appropriations of about $3.8 billion in fiscal year 1997, $10 billion in fiscal year 1998, and over $16 billion in fiscal year 2000. In addition, the cost of renewing the section 8 project-based contracts will grow from $1.2 billion in fiscal year 1997 to almost $4 billion in fiscal year 2000, and to some $8 billion in 10 years. Moreover, the unpaid principal balance [UPB] on the mortgages associated with this FHA-insured housing inventory represents a contingent liability of some $17 billion to HUD and the Federal Government.

The section 8 multifamily housing portfolio restructuring demonstration is designed as an interim strategy and as a stepping stone for more comprehensive legislation by the authorizing committees as well as consideration of associated tax issues by the tax committees. This demonstration will require HUD to renew for up to 1 year all section 8 contracts with rents at or below 120 percent of the fair market rent for an area. In addition, project owners with expiring contracts above 120 percent of fair market rent may opt to have their section 8 contracts renewed at 120 percent of the fair market rent. This safe harbor will cover many of the 240,000 units which are supported by expiring section 8 contracts in fiscal year 1997, and will provide HUD with the administrative ability to focus on those FHA-insured multifamily housing projects with significantly oversubsidized rents. The projects with units which do not qualify for the contract renewal safe harbor will be eligible to participate in the section 8 multifamily mortgage restructuring portfolio demonstration and, at a minimum, will be renewed at budget-based rents.

The demonstration would encourage HUD to enter into contracts with qualified State housing finance agencies, local housing agencies, and nonprofits either as a partner or as designee to administer the program for HUD. The conference report reflects the belief that balancing the fiscal goals of reducing costs with the public policy goals of preserving and maintaining affordable low-income housing requires an intermediary which is accountable to the public interest. Because of the Department's capacity and management problems as documented by the Inspector General and the General Accounting Office, the demonstration reflects the understanding that capable public entities and certain qualified nonprofits should be accorded an opportunity to restructure mortgages on behalf of the Federal Government. I believe that many State housing finance agencies [HFA's], local HFA's, and other State and local housing and community development entities have the requisite capacity and expertise to implement the mortgage restructuring demonstration program and that developing this capacity and expertise will be important in the future for further establishing and building on both new and existing public and private partnerships for the development of affordable housing. I emphasize that nonprofits must be financially sound and have a demonstrated record in the area of affordable housing issues. I warn HUD to be very careful that sham nonprofits are not to be included, especially where a nonprofit is determined to be acting as a tool for the interests of some other entity.

It also is expected that HUD and these public purpose designees will contract and subcontract with other entities, including private entities such as financial institutions and mortgage bankers and servicers, to enhance the expertise and capacity necessary to ensure that mortgaging restructurings are handled to the best advantage of the Federal Government, the project, the community, and the residents. It is hoped that these partnerships can be used to crossfertilize public and private approaches to low-income housing to create new strategies and leverage new funds for the preservation and creation of low-income affordable housing resources.

The multifamily housing portfolio restructuring demonstration will provide HUD and the public agencies, and nonprofits, with a number of tools to restructure the FHA-insured mortgages and reduce the cost of section 8 project-based housing assistance. These tools include broad authority to restructure mortgages, including the forgiveness of mortgage indebtedness. For example, HUD could restructure a project mortgage so that a first mortgage would reflect the market value of a project while HUD holds a soft second on the remainder of the project debt. This would preserve the low-income character of the housing while reducing both the cost of the section 8 assistance and the risk of foreclosure. In exchange for mortgage restructuring, project owners would have to agree to preserve the housing as affordable for low-income families in accordance with requirements established by the Department or a designee. These requirements shall be balanced to ensure the long-term economic viability of the housing.

The demonstration also allows HUD to implement budget-based rents to squeeze out any inflated profits while covering the debt service, operating costs and a reasonable return to the owners of these federally assisted projects. The use of budget-based rents are intended to be flexible enough to ensure the preservation of unique and critically needed low-income housing projects, such as elderly projects in rural areas, projects designed to house large families, projects in localities with low vacancy rates, and projects with operating costs which exceed any comparable market rents. I emphasize that the Department should exercise a special sensitivity to certain projects, such as elderly projects in rural areas, that house a special population, especially where the availability of other affordable housing is questionable.

The conference report has elected to focus the restructuring demonstration on projects with contract rents above 120 percent of the fair market rents. According to recent HUD estimates, section 8 contracts affecting approximately 35,000 project-based assisted units will expire in fiscal year 1997. Of this amount, about 12,000 are assisted by HUD's section 8 new construction and substantial rehabilitation [NC/SR] programs. The program expects HUD to focus most of its mortgage restructuring efforts on the NC/SR assisted, or newer assisted portfolio since the costs of section 8 rental assistance attached to these properties are much greater than those assisted by HUD's section 8 loan management set aside [LMSA] program and the budgetary costs to maintain this inventory is greater. Therefore, the conference believes that greater budgetary savings will be realized on restructuring the newer assisted stock.

Further, unlike rents on the newer assisted stock, section 8 contract rents on the older assisted stock are regulated on a budget-based process. As such, the rents are supposed to be set already at the minimum level necessary to meet operating and debt service expenses. Contract rents on the newer assisted stock also are higher than prevailing market rates due to the initial construction costs and automatic rent increases that have been provided during the term of the assistance contract regardless of operating needs. Finally, restructuring the debt on the older assisted portfolio would likely achieve only minimal section 8 subsidy savings since the UPB on the remaining mortgage is smaller than the UPB on the newer stock. For example, older assisted properties have an average UPB of $14,000 per unit compared to an average UPB of $35,000 per unit for newer assisted properties. Therefore, focusing on the older assisted properties for debt restructuring likely would not necessarily be cost-beneficial especially when considering the time and transaction costs of such a process.

The conference bill also requires at least 75 percent of mortgages be restructured with FHA insurance. It is my belief that FHA mortgage insurance and other forms of credit enhancement are necessary for debt financing considering the short terms of section 8 contract renewals that are being provided in recent appropriation acts. Without long-term section 8 contracts, debt financing likely is to be difficult for restructured projects. If no insurance is provided when mortgages are restructured, debt restructuring costs also will be likely be higher, or mortgage debt discount deeper, than if the mortgages were restructured with insurance because private lenders would set the terms of the loans to reflect the risk of default. These projects could not have been built or financed without the original FHA mortgage insurance due to the inherent risks in developing low-income housing and the areas that these projects were built in.

Nevertheless, I emphasize that the use of FHA mortgage insurance and other forms of credit enhancement should be explored carefully to minimize the default risk to the Federal Government. In some cases, mortgage insurance may not be necessary when owners can obtain reasonable financing without insurance. As a result, the demonstration program allows some discretion in exploring and creating new forms of credit enhancement that would reduce the default risk and credit subsidy costs to the Federal Government. The demonstration also includes the use of mortgage insurance under risk-sharing arrangements currently practiced under the mortgage risk-sharing programs enacted under the Housing and Community Development Act of 1992. Mortgage insurance under these risk-sharing arrangements would be encouraged by not applying the current statutory limitations on the number of units that can be made available for mortgage insurance under this program.

There is also concern about the Department's plans to sell its benefits and burdens, including rights and obligations, under the FHA mortgage insurance program to public agencies as well as private entities. The demonstration permits HUD to sell to private entities the benefits and burdens of FHA multifamily mortgage insurance on up to 5,000 units. While it is important to test various restructuring strategies under the demonstration, the Department needs to ensure that the housing be preserved as low income, with residents and owners not displaced because of any risks associated with this mortgage refinancing strategy.

The demonstration also allows HUD to test the use of vouchers on up to 10 percent of the units in the demonstration so long as the owner agrees and the residents are consulted. As a further protection for residents, this strategy may only be implemented where it is determined that residents will be able to use successfully vouchers to obtain decent, safe, and sanitary housing.

Finally, this demonstration is an interim step to a more comprehensive long-term solution to the preservation of section 8 assisted housing. It is expected that the authorizing committee, consistent with hearings held by both the House and Senate authorizing committess, will consider reform of the section 8 mark-to-market inventory a priority for legislation during the next Congress.

MARK-TO-MARKET DEMONSTRATION

Mr. MACK. Mr. President, I would like to commend Senator BOND for addressing the expiration of thousands of section 8 housing assistance contracts by including a FHA multifamily demonstration program in the VA–HUD appropriations bill. This demonstration program incorporates many of the major principles of S. 2042, the Multifamily Assisted Housing Reform and Affordability Act of 1996, which I introduced last month along with Senators BOND, D'AMATO, and BENNETT. However, the success of the demonstration program depends on HUD's implementation. I would like to ask Senator BOND a few questions to clarify the intent of the legislation.

First, the demonstration program would allow the Secretary to use nonprofit entities as ''designees'' to carry out the functions and responsibilities of portfolio restructuring. Athough I believe that there are legitimate and qualified nonprofits who could be used as restructuring entities, I am concerned about the use of nonprofits that do not have the support of the local community or residents. How does the demonstration program address ''sham'' nonprofits?

Mr. BOND. I share the Senator's concern and believe that the demonstration authority does address ''sham'' nonprofits. Specifically, the demonstration requires the Secretary to select only these entities that have a long-term record of service in providing low-income housing and meet standards of fiscal responsibility. I expect HUD to issue detailed guidelines on what would constitute a qualified ''designee'' whether it is a nonprofit or public entity.

Mr. MACK. My second concern is about the Department's capacity to restructure up to 50,000 units in the demonstration program. Numerous studies by the HUD IG and GAO and statements by HUD officials themselves have indicated that there are serious capacity problems in the multifamily housing area at HUD. HUD's response to these problems is to liquidate the inventory through sales of HUD-held and guaranteed mortgages to Wall Street investors. S. 2042, however, would protect the Federal Government's affordable housing investment by transferring the portfolio management responsibilities to publicly accountable entities such as State and local housing finance agencies. How does the demonstration program address these issues?

Mr. BOND. The demonstration program is significantly based on S. 2042. Like S. 2042, the demonstration program addresses the Department's capacity constraints by requiring HUD to form arrangements with qualified third party public entities. The demonstration program assumes that the participation of public entities such as State and local housing finance agencies will be encouraged and utilized to the fullest extent possible by HUD. In response to the Senator's concern about HUD's liquidation policy, the demonstration does allow HUD to transfer or sell up to 5,000 units of HUD mortgages to private sector parties. This provision is not intended to be used as means of liquidating the housing stock. Instead, the intent is to test the efficiency and effectiveness of using private sector entities to preserve the affordable housing stock at the lowest possible cost to the American taxpayer while recognizing the impact on communities and owners.

Mr. MACK. Thank you again for your work and dedication to this issue and for considering the views of the authorizing committee in the demonstration program.

Mr. BOND. I appreciate the Senator's support and work on this issue, and I look forward to our continued cooperative effort to develop a comprehensive portfolio restructuring program early next year.

SECTION 8 CONTRACT RENEWALS

Mr. GREGG. I have a question for the chairman Senator BOND. I congratulate him for tackling the difficult problem of renewal of section 8 contracts in a comprehensive manner, providing for renewal of all contracts with rents less than 120 percent of fair market rent at the existing contract rent and permitting FHA-insured projects with rents

over 120 percent of fair market rents either to accept rents at 120 percent of fair market rents, or to enter the demonstration. The Senator also permits projects financed or insured by State or local agencies, or under section 202, 811, and 515, to be renewed at current rents. However, there is an omission, with regard to conventionally financed contracts with rents over 120 percent of fair market rent, which are not explicitly covered by the legislation.

Many of these projects, including some in New Hampshire, were developed in the early years of section 8, and I assume that the conferees did not intend to exclude them.

Mr. BOND. The Senator is correct. Under present law, namely section 405(a) of the Balanced Budget Down Payments Act I, HUD has the authority to renew conventionally-financed section 8 contracts at up to 120 percent of fair market rents. Indeed, in August HUD sent out a memorandum stating that it would renew such contracts at rents not in excess of 120 percent of Fair Market Rent. Nothing in this year's appropriations bill withdraws HUD's authority under section 405(a) to renew such contracts. I ask unanimous consent to have printed in the RECORD the legal opinion by Judge Diaz, the General Counsel for HUD, which confirms this analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 24, 1996.

Memorandum to: Nicolas P. Retsinas, Assistant Secretary for Housing—FEA Commissioner.

From: Nelson A. Diaz, General Counsel.

Subject: Expiring project-based section 8 contracts on noninsured multifamily housing projects.

This memorandum is in response to your request for an opinion from the Office of General Counsel (OGC) regarding the legal authority to renew expiring project-based section 8 contracts on noninsured multifamily projects which have rents greater than 120% of the fair market rent.

Under Section 408(a) of the Balanced Budget Downpayment Act I, HUD has the authority to renew conventionally-financed section 9 contracts at up to 120% of the fair market rents. This position was set forth in HUD Notice H 96–74, entitled Project-Based section 8 Contracts Expiring in Fiscal Year 1997, issued on August 28, 1996. As it is currently composed in the draft before us on September 23, 1996, it is OGC's opinion that nothing in this year's proposed appropriation bill withdraws HUD's authority under 405(a) to enter into project-based maintenance contracts on those non-FHA insured projects whose expiring contract rents exceed 120% of the fair market rents for the market area in which the projects are located.

SECTION 8 RENTS

Mr. LAUTENBERG. Mr. President, I am concerned that this legislation does not adequately address the circumstances faced by certain unique properties. Specifically, I am worried about situations where the current section 8 rents exceed the fair market rents set by HUD by more than 120 percent, but are below the comparable market rents. If HUD cannot renew these contracts at current rents, the low and moderate-income residents of these properties may quickly find themselves without a decent place to live, especially in tight housing market such as we have in northern New Jersey. In this situation, I fear that an owner may have little choice other than to terminate the leases and rent the property to people who are willing to pay the real market rent. I do not believe that we have provided any sort of inducement for the owner of this type of property to continue to house low and moderate income people, many of whom may be elderly. Sticky vouchers would have been a very good solution to this problem. However, I have been advised by staff that the budget-based rent provisions under the demonstration address my concerns. I would like to be assured that this is, in fact, the case.

Mr. BOND. I would like to assure my colleague that the budget-based rent provisions can be used to address the concerns you raise. Under the budget-based rent provisions, the owner of unique property located in a tight housing market which houses elderly families and where the market rates are greater than the current contract rents and the rents are in excess of 120 percent of the FMR, could be provided with a contract renewal at the current contract rent level for 1 year. Also, Congress should look at the use of sticky vouchers in the future.

Mr. LAUTENBURG. So the budget-based rent provision is not limited to properties where the operating costs exceed comparable market rents?

Mr. BOND. That is correct. Properties where the operating costs exceed the comparable market rents are eligible for the budget-based rent provisions, but eligibility for budget-based rents is not limited to such properties. I emphasize that the mark-to-market demonstration is designed to ensure that HUD is particularly sensitive to the need to preserve existing low-income housing for the elderly and disabled.

Mr. LAUTENBURG. What would induce an owner of the type of property I described to continue to keep the property as an affordable housing resource?

Mr. BOND. The owner could be induced to continue to keep the property as an affordable housing resource by allowing the owner an adequate return on equity.

Mr. LAUTENBERG. Would the calculation of an adequate return on equity take into account the true market value of the property in unique circumstances such as the one I have described?

Mr. BOND. The Secretary would have the discretion to determine an adequate return on equity in this way if he so chose.

SECTION 8 HOUSING FOR THE ELDERLY

Mr. KERREY. I am very concerned that in Nebraska and its neighboring States, section 8 projects for the elderly will be disadvantaged under the language in the conference report, unless a special effort is made to preserve them. Fair market rents in these areas for zero and 1-bedroom apartments are low which cause high rents necessary to sustain section 8 projects with appropriate services for the elderly. These projects often have elevators, additional facilities for food, recreation and services, and extra management services such as 24-hour-in-house staff. They are above the 120 percent of FMR threshold for renewal at current rents. In order to bring these project rents down to FMR, all or most of the debt services would have to be eliminated. Debt reduction of this magnitude would most certainly give rise to significant tax liabilities. Is it your intent that debt restructuring occur?

Mr. BOND. The legislation is intended to preserve section 8 housing for the elderly and special populations. While debt restructuring may be unnecessary in most cases, it may be advantageous in some. Therefore, the chairman's intent is for HUD to review carefully each case and limit the use of debt restructuring to those rare cases where it is most advantageous. Furthermore, in any calculation HUD uses in determining the market rent for these projects, HUD must include compensation to cover services that meet the unique needs of the elderly and special populations.

Mr. HARKIN. I would ask that the chairman clarify his intentions on the limitations placed on HUD when considering debt restructuring.

Mr. BOND. HUD is instructed to use a three-pronged approach in determining whether the debt should be restructured. First, no tenants should be displaced. Second, the owners should not be forced to sell the project. Third, owners should not be subject to significant tax liability.

Mr. KERREY. I thank the chairman and look forward to assisting in the oversight of the implementation of these legislative provisions.

Mr. HARKIN. I would also like to thank the chairman. It is increasingly important that we preserve these projects for the elderly, especially in rural areas.

SECTION 8 CONTRACT RENEWALS

Ms. SNOWE. Mr. President, Senator COHEN and I have been working extensively with the U.S. Department of Housing and Urban Development and the Maine State Housing Authority to clarify the status and handling of contracts for 17 housing projects in Maine that were originally subsidized under section 23 and were later converted to section 8. We would like to confirm that these housing projects meet the definition of ''project-based'' as defined under paragraph (5), section 21 of the housing appropriations bill.

Mr. BOND. Mr. President, that is correct.

Mr. COHEN. Mr. President, of these housing projects, all of which receive

project-based assistance from the Department of Housing and Urban Development, 14 are financed through the Maine State Housing Authority. None of them are FHA-insured. We would like to further confirm our understanding that the project-based contracts for these particular housing projects will be renewed for 1-year at the current rent level under the terms and conditions of paragraph (2), section 211 of the housing appropriations bill.

Mr. BOND. Mr. President, the senior Senator from Maine is absolutely right.

Mr. MACK. Mr. President, I want to commend the chairman of the subcommittee, Senator BOND, for incorporating report language clarifying that Congress does not intend for the Fair Housing Act to apply to property insurance. HUD's assertion of authority over the conduct of the property insurance market overreaches, and in fact contradicts, congressional intent as reflected in the plain language and legislative history of the Fair Housing Act.

HUD's attempt to regulate the business of insurance, notwithstanding the lack of any reference to property insurance in the Fair Housing Act or its legislative history, also contradicts the statutory mandate of the McCarran-Ferguson Act of 1945, which requires that, unless a Federal law ''specifically relates to the business of insurance,'' that law shall not apply where it would ''invalidate, impair or supersede'' State law. HUD's assumption of authority to regulate property insurance has the practical effect of invalidating, impairing and superseding the State laws which prohibit unfair discrimination by insurers, and it is the type of duplicative regulation which Congress sought to avoid through McCarran-Ferguson.

We should not tolerate illegal discriminatory practices by anyone involved in the real estate market. However, every State provides recourse for addressing complaints of unfair discrimination by insurers. There is no need for HUD, which currently has difficulty meeting its statutory mandates, to step into the shoes of State regulators to create a Federal regulatory regime without clear justification or authority.

PROPERTY INSURANCE REGULATION

Mr. BOND. Mr. President, I want to make it clear that I am fundamentally and adamantly opposed to discrimination in any form, including discrimination in the provision of property insurance. Nevertheless, I believe that HUD has no authority under the Fair Housing Act to regulate the practices of the insurance industry, including practices related to the provision of property insurance. Moreover, HUD does not have the capacity or ability to address discrimination issues in the practices of the insurance industry, and any attempts to establish and enforce standards are likely to result in confusion and questionable actions.

The purpose of both the Senate and House committee reports to the VA/HUD fiscal year 1997 appropriations bill is to ask HUD to focus its fair housing resources of $30 million toward activities designed to fight discrimination in the sale, rental, and financing of housing.

These are limited resources and the committee report language in both House and Senate reports is designed to ensure that this funding is used in a comprehensive and focused manner to fight housing discrimination.

Furthermore, while the courts have not always been consistent in the application of the Fair Housing Act, I believe Congress has made it clear that the regulation of property insurance is outside the scope of the Fair Housing Act and is contrary to the intent of the MacCarran-Ferguson Act which states that the responsibility for insurance matters, including property insurance, is the responsibility of the States. The Fair Housing Act says nothing about Federal action with regard to discrimination in the provision of property insurance.

In fact, the legislative history of the Fair Housing Act indicates that the Fair Housing Act does not apply to insurance. Notably, in the Senate floor debate on the 1980 amendments to the Fair Housing Act, Senator HEFLIN stated that it was * * *

> * * *the decision of the Subcommittee on the Constitution, acquiesced in by the full Senate Judiciary Committee, to leave the regulation and oversight of the property insurance business to the States and to reject extension of [the Fair Housing Act] to that business.

HUD's property insurance activities are wholly unwarranted. Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance. We need to avoid duplication of effort and also avoid the risk of creating new and different standards that will be confusing and administratively burdensome. The House and Senate reports to the VA/HUD fiscal year 1997 Appropriations Act are identical on the issue of fair housing and property insurance, and are designed to state the understanding of the House and Senate that HUD should not intrude upon the responsibilities of the States with regard to the regulation of insurance, including property insurance.

Mr. SHELBY. Mr. President, on September 5, 1996, several senators expressed concern about language regarding property insurance activities by HUD's Office of Fair Housing and Equal Opportunity contained in the committee report accompanying the VA, HUD, and independent agencies appropriation bill.

For some time now, HUD has claimed it has jurisdiction under the Fair Housing Act to investigate complaints about alleged insurance redlining practices. Statements have been made that the committee report language is an effort to somehow exempt the insurance industry from civil rights enforcement. Nothing could be further from the truth. This is not about civil rights. It is about regulation.

Congress never intended to apply the Fair Housing Act to property insurance for the simple reason that the insurance industry is subject to State regulation under the McCarran-Ferguson Act. It is for this reason that the Congress chose specifically not to include the sale or underwriting of insurance under the Fair Housing Act.

HUD's enforcement and regulatory activities regarding property insurance is clearly a waste of resources because it duplicates State laws and regulations. Virtually every State and the District of Columbia have laws or regulations governing unfair discriminatory practices by insurance companies. States are actively investigating and addressing discrimination where it is found to occur. HUD is just adding another wasteful and unnecessary layer of bureaucracy.

Congress faces many hard choices in working to fulfill its commitment to eliminate unnecessary Federal spending and red tape. With respect to HUD, Congress must determine how to preserve essential programs while creating a more efficient Federal Government and reduce the budget deficit. If there is one area of Federal spending where Congress need not struggle to determine whether cutbacks are appropriate, it is HUD's activities regarding property insurance.

Mr. FAIRCLOTH. Mr. President, I rise today to speak about HUD's attempts over the past few years to regulate property insurance under the Fair Housing Act. Let me state for the record that I am committed to strict enforcement of the Fair Housing Act and its prohibitions against discrimination in housing.

The Fair Housing Act is one of the basic tenets of our country's civil rights laws. Where outright discrimination in housing is found, enforcement must be swift and strong.

However, my concerns stem from two issues. First, HUD lacks the authority to regulate property insurance. Second, regulation of property insurance is already being done by the States.

The Fair Housing Act makes it unlawful ''to discriminate against any person in the terms, conditions, or privileges of sale or rental of a home . . . Because of race.'' The language goes on to refer to the services provided by mortgage bankers and real estate brokers. Nowhere in the language does the act refer to property insurance. The Fair Housing Act does not specifically relate to the business of insurance. Courts have held that Congress never intended the Fair Housing Act to apply to insurance. HUD is clearly overstepping its authority by pursuing any regulation in this area. In fact, it spent hundreds of thousands of dollars on outside legal help to write this regulation because the legal basis for doing so was so tenuous.

By pursuing this issue, HUD is assuming that States have not been doing anything in this area. That assumption is wrong. All 50 States and the District of Columbia have enacted statutes or regulations, or both, that address unfair discrimination in insurance practices, violations of civil rights or which permit insurance departments to investigate unfair trade practices. I will submit for the record a compilation of some of these State statutes or regulations governing unfair discrimination in insurance. States are active in investigating discrimination. There is strong protection against illegal discrimination. HUD's actions only add another unnecessary layer of Federal bureaucracy.

This is just another example of HUD trying to assert more Federal power and more Federal control in an area traditionally under the domain of the States. HUD has shown, over the more than 30 years that the department has been in existence, that it cannot perform well those programs that are under its administration. What case can be made for HUD to take on yet another program. HUD is a failure. Regulation of property insurance is not within HUD's authority, and every effort should be made to keep HUD out of this area.

I ask unanimous consent that a representative sample of State statutes or regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE LAWS GOVERNING UNFAIR DISCRIMINATION IN INSURANCE

[Below is a compilation of laws and regulations in the 50 states and the District of Columbia which address unfair discrimination in insurance practices, violations of civil rights, or which permit insurance departments to investigate unfair trade practices. All 50 states and the District of Columbia have enacted statutes or regulations, or both, to address these issues. Except where otherwise indicated, all citations are to insurance codes or regulations]

State: Citation and chapter/section heading	Relevant text
Alabama:	
Trade Practices Law: § 27–12–2; § 27–12–21	No person shall engage in this state in any trade practice which is . . . determined [by the Commissioner] to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.
Rates and Rate Organizations: § 27–13–1; § 27–13–65	Every rating organization and every insurer which makes its own rates shall make rates that are not unreasonably high or inadequate for the safety and soundness of the insurer and which do not unfairly discriminate between risks in this state . . .
Arkansas:	
Trade Practices: § 23–66–205; § 23–66–206(7)	Prohibited unfair competition or unfair or deceptive acts or practices include the following: (C) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk, unless: (i) The refusal, cancellation, or limitation is for a business purpose which is not a mere pretext for unfair discrimination; or (ii) The refusal, cancellation, or limitation is required by law or regulatory mandate. (D) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk or on the personal property contained therein because of the age of the residential property, unless: (i) The refusal, cancellation, or limitation is for a business purpose which is not a mere pretext for unfair discrimination; or (ii) The refusal, cancellation, or limitation is required by law or regulatory mandate.
Rates and Rating Organizations: § 23–67–201; § 23–67–208	(a) [Insurance] rates shall not be excessive, inadequate, or unfairly discriminatory.
California:	
Prohibition of Discriminatory Practices by Certain Admitted Insurers: § 679.71	No admitted insurer shall fail or refuse to accept an application for, or to issue a policy to an applicant, or cancel insurance, under conditions less favorable to the insured than in other comparable cases, except for reasons applicable alike to persons of every marital status, sex, race, color, religion, national origin, or ancestry; nor shall sex, race, color, religion, national origin, or ancestry itself constitute a condition or risk for which a higher rate, premium, or charge may be required of the insured for such insurance.
CA Code of Regulations (CCR): § 2646.6	Requires insurers to collect and submit comprehensive insurance premium/exposure, marketing and customer demographic data by geographical area on an annual basis to the Department of Insurance.
District of Columbia:	
Fire, Casualty, and Marine Insurance: § 35–1533	Discrimination between individual risks of the same class or hazard in the amount of premiums or rates charged for any policy, or in the benefits or amount of insurance payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever, is prohibited, and the Superintendent is empowered after investigation to order removed at such time and in such manner as he shall specify any such discrimination which his investigation may reveal.
Regulation of Casualty and Other Insurance Rates: § 35–1703	(a) Rates for insurance within the scope of this chapter shall not be excessive, inadequate, or unfairly discriminatory.
Georgia:	
Unfair Trade Practices: § 33–6–3; § 33–6–4(b)(A)(iii)	Prohibited unfair methods of competition and unfair and deceptive acts or practices in the business of insurance include the following: (A)(iii) Making or permitting any unfair discrimination in the issuance, renewal, or cancellation of any policy or contract of insurance against direct loss to residual property and the contents thereof, in the amount of premium, policy fees, or rates charged for the policies or contracts when the discrimination is solely based upon the age or geographical location of the property within a rated fire without regard to objective loss experience relating thereto.
Regulation of Rates, Underwriting Rules, and Related Organizations: § 33–9–1; § 33–9–4.	(1) [Insurance] rates shall not be excessive or inadequate, as defined in this Code section, nor shall they be unfairly discriminatory.
GA Regulations: 120–2–65; 120–2–66	Prohibitive underwriting guidelines for automobile insurance. Prohibitive underwriting guidelines for property insurance.
Illinois:	
Unfair Methods of Competition and Unfair and Deceptive Acts and Practices: 215 ILCS 5/423; 215 ILCS 5/424; 215 ILCS 5/155.22.	Prohibited unfair methods of competition or unfair and deceptive acts or practices include the following: (3) Making or permitting, in the case of insurance of the types enumerated in classes 2 and 3 of section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion or national origin of such insurance risks or applicant. No company authorized to transact in this State the kinds of business described in Classes 2 and 3 of Section 4,[1] and no officer, director, agent, clerk, employee or broker of such company shall upon proper application refuse to provide insurance solely on the basis of the specific geographic location of the risk sought to be insured unless such refusal is for a business purpose which is not a mere pretext for unfair discrimination.
Louisiana:	
Unfair Trade Practices: § 22.1213; § 22:1214(7)	Prohibited unfair methods of competition in the business of insurance include the following: (7)(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazard by refusing to insure, refusing to renew, cancelling, or limiting the amount of insurance coverage on a property or casualty risk solely because of the geographic location of the risk, unless such action is a result of the application of sound underwriting and actuarial principles related to actual or reasonably anticipated loss experience; (e) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to insure, refusing to renew, canceling, or limiting the amount of insurance coverage on the residential property risk, or the personal property contained therein, solely because of the age of the residential property; (f) Refusing to insure, refusing to continue to insure or limiting the amount of coverage available to an individual solely because of the sex, marital status, race, religion, or national origin of the individual. However, nothing in this Subsection shall prohibit an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits. Nothing in this Section shall prohibit or limit the operation of fraternal benefit societies.
§ 22:652	No insurer shall make or permit any unfair discrimination in favor of particular individuals or persons, or between insureds or subjects of insurance having substantially like insuring risk and exposure factors, or expense elements, in the terms or conditions of any insurance contract, or in the rate of amount of premium charged therefor, or in the benefits payable or in any other rights or privileges accruing thereunder . . .
Loisiana Insurance Rating Commission and Rate Regulation: § 1402; § 1404	(2) [Insurance] rates shall not be excessive, inadequate or unfairly discriminatory.
New York:	
Unfair Claim Settlement Practices; Other Misconduct; Discrimination: § 2606 ..	(a) . . . no individual or entity subject to the supervision of the superintendent shall because of race, color, creed or national origin: (1) Make any distinction or discrimination between persons as to the premiums or rates charged for insurance policies or in any other manner whatever. (2) Demand or require a greater premium from any persons than it requires at that time from others in similar cases. (b) . . . no individual or entity subject to the superintendent's supervision shall solely because of the applicant's race, color, creed or national origin: (1) Reject any application for a policy of insurance issued and/or sold by it. (2) Refuse to issue, renew or sell such policy after appropriate application therefor.
§ 2607	No individual or entity shall refuse to issue any policy of insurance, or cancel or decline to renew such policy because of the sex or marital status of the applicant or policyholder.
Property/Casualty Insurance Rates: § 2301; § 2303	Rates shall not be excessive, inadequate, unfairly discriminatory, destructive of competition or detrimental to the solvency of insurers.
North Carolina:	
Unfair Trade Practices: § 58–63–10; § 58–63–15(7)	Prohibited acts of unfair discrimination include: (7)c. Making or permitting any unfair discrimination between or among individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk, unless: 1. The refusal or limitation is for the purpose of preserving the solvency of the insurer and is not a mere pretext for unfair discrimination or 2. The refusal, cancellation, or limitation is required by law. d. Making or permitting any unfair discrimination between or among individuals or risks of the same class and of essentially the same hazard by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property, unless: 1. The refusal or limitation is for the purpose of preserving the solvency of the insurer and is not a mere pretext for unfair discrimination, or 2. The refusal, cancellation, or limitation is required by law.

STATE LAWS GOVERNING UNFAIR DISCRIMINATION IN INSURANCE—Continued

[Below is a compilation of laws and regulations in the 50 states and the District of Columbia which address unfair discrimination in insurance practices, violations of civil rights, or which permit insurance departments to investigate unfair trade practices. All 50 states and the District of Columbia have enacted statutes or regulations, or both, to address these issues. Except where otherwise indicated, all citations are to insurance codes or regulations]

State: Citation and chapter/section heading	Relevant text
Regulation of Insurance Rates: § 58–40–1; § 58–40–20	(a) In order to serve the public interest, rates shall not be excessive, inadequate or unfairly discriminatory.
Texas:	
Misrepresentation and Discrimination: Art. 21.21 sec. 3; Art. 21.21 sec. 4	Prohibited acts of unfair discrimination include: (7)(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to renew, canceling or limiting the amount of coverage on a policy of insurance covered by Subchapter C, Chapter 4, of this code because of the geographic location of the risk unless: (1) the refusal, cancellation or limitation is for a business purpose that is not a mere pretext for unfair discrimination; or (2) the refusal, cancellation or limitation is required by law or regulatory mandate.
Casualty Insurance and Fidelity, Guaranty and Surety Bonds: Art. 5.14	(3) Rates shall be reasonable, adequate, not unfairly discriminatory.

[1] 215 ILCS 5/4.

FAIR HOUSING INITIATIVE PROGRAM

Mr. BURNS. Mr. President, during consideration of the VA, HUD, and independent agencies appropriations bill on September 5, 1996, several of my colleagues made statements about language contained in the report accompanying the bill that directs HUD to expend the limited funds available for the Fair Housing Initiative Program [FHIP] only on such forms of discrimination as are explicitly identified under title VIII of the Civil Rights Act.

The Fair Housing Act makes no mention of property insurance. A reading of the legislative history of the act will disclose that Congress intentionally left out property insurance because insurance is a State regulated activity. Since the States regulate property insurance and have laws and regulations addressing unfair discrimination in property insurance, it was our conclusion that this is one area where HUD does not need to expend its resources.

Moreover, the report language was included in response to testimony from the Department of Housing and Urban Development stating it had limited resources available for the FHIP Program. It was our thought that HUD should use its limited resources to address only those areas specifically mentioned in the law that include the sale, rental, and financing of housing and in the provision of brokerage services.

Throughout all of its efforts and funding of outside groups to investigate insurance practices, it is interesting that neither HUD nor the private groups it funds with public money have been able to produce one individual who has failed to purchase a home because insurance was denied to that person. So much for ''no insurance, no loan, no house.''

In a statement released September 11, 1995, Max Boozell, the Illinois director of insurance, stated,

I am very disturbed by the contention that major homeowner insurance companies are redlining in Chicago. To the contrary, our 1994 study of homeowners insurance not only reflects a healthy, viable urban insurance market in Illinois, but provides no hard evidence of institutional redlining by any Illinois insurer.

Nor is this a civil rights debate as many would have us believe. Activities of the Justice Department under the Fair Housing Act have not been curtailed, nor does the inclusion of this report language impact the application to property insurance practices of section 1981 of the U.S. Code, which prohibits racial discrimination in the provision of insurance and other services under contract.

Nowhere in the Fair Housing Act is property insurance mentioned. More than 50 years ago, Congress wisely decided that, in the area of insurance regulation, the States should be spared Federal interference. Under the McCarran-Ferguson Act of 1945, Congress explicitly provided that, unless a Federal law ''specifically relates to the business of insurance,'' that law shall not be deemed applicable to insurance practices. By applying the Fair Housing Act to insurance, HUD simply disregards the fact that the law does not ''specifically relate to the business of insurance.''

Mr. President, the courts are divided on this issue. It was disappointing that the Supreme Court failed to grant certiorari in the case of Nationwide Mutual versus Cisneros. The Court could have resolved the conflict that now exists in 2 circuits out of our 13 Federal circuit courts. The two courts that have found that the Fair Housing Act applies to property insurance practices have relied on HUD's regulations, which, without any statutory authority, refer to discrimination in property insurance. In other words, HUD did not have a law, so the bureaucrats got to work and created one through regulations.

There is simply no justification for HUD continuing to expend funds for insurance regulatory activities that duplicate comprehensive State regulation at the expense of the American taxpayer. HUD would do better to work within the framework of the law with its limited resources.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

Mr. BOND. Mr. President, the conference report to H.R. 3666, the VA/HUD Fiscal Year 1997 Appropriations Act, included an amendment by Senator BENNETT, that requires GAO to audit the operations of the Office of Federal Housing Enterprise Oversight [OFHEO] concerning staff organization, expertise, capacity, and contracting authority to ensure that the resources are adequate and that they are being used appropriately to ensure that Fannie Mae and Freddie Mac are adequately capitalized and operating safely. As Senator BENNETT previously advised, OFHEO is over 2 years behind in developing risk-based capital standards which are intended to ensure the financial safety and soundness of these Government-sponsored entities. Senator BENNETT further advised that OFHEO needs to refocus its activities, away from such activities as trips abroad, to ensure that these critically needed risk-based capital standards are developed and operative.

I also am very concerned over OFHEO's lapse in its responsibility for the timely development of these risk-based capital standards, and I urge OFHEO to expedite these necessary rulemaking requirements. I also advise that the Housing and Community Development Act of 1992 established OFHEO as an independent office in HUD and not as a new Federal agency. Nevertheless, in a time of Government downsizing, OFHEO continues to request additional staff and funding, while focusing on activities other than its primary responsibility to promulgate financial safety and soundness rules.

The 1992 housing bill, which I worked on, intended OFHEO, as a practical matter, to be a tripwire to alert Congress and the Nation to any significant financial risks that may be confronting Fannie Mae and Freddie Mac. This is a critically important function and OFHEO's primary function—I do not think that anyone intends or expects OFHEO to become a new agency or act as a political entity. I expect the GAO audit to lend some perspective to OFHEO's purpose, its ability to perform its purpose, and recommend ways to streamline and ensure OFHEO's capacity and expertise will meet its rulemaking and regulatory functions.

DRINKING WATER HEALTH EFFECTS RESEARCH

Mr. BOND. Mr. President, since completion of the VA-HUD conference, some confusion has arisen as to funding of drinking water health effects research. First, let me state unequivocally that I strongly support funding for drinking water health effects research to ensure that rules governing drinking water quality are based on the best science and result in cost-effective protection of public health. As a member of the Environment and Public Works Committee, I advocated amending the Safe Drinking Water Act to change the standard setting process and improve the scientific basis for regulations.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I have worked to fund fully the new State revolving fund program for the construction of drinking water plants. The conference report before us includes $1.275 billion—$550 million as requested by the President, and

an additional $725 million to restore funds previously appropriated for this program but released last month for clean water SRF's.

Unfortunately, delays in enactment of the Safe Drinking Water Act amendments precluded in VA–HUD subcommittee's consideration of the many additional funding requirements associated with implementation of this legislation.

However, the conference agreement acknowledges that the new legislation will require resources, and states ''the conferees expect EPA to address any funding requirements for implementation of [this] important statute, such as drinking water health effects research, in the agency's operating plan.''

Funding for drinking water health effects research—outside of the amounts included in the science and technology account—was not in either House or Senate version of the VA-HUD bill, and hence was not an issue in conference. While I object to off-the-top setasides from State revolving funds, I fully support funding for health effects research from the science and technology account, which funds all of EPA's research activities. Should EPA propose to increase the relative priority for health effects research as part of its operating plan, and request additional funding for such research within the $542 million appropriated for science and technology, it is my expectation that this would be favorably received.

In conclusion, I encourage EPA to consider carefully the funding requirements associated with this new legislation, and propose a redirection of funds for these important activities within the $6.7 billion fiscal year 1997 appropriation.

COORDINATED TRIBAL WATER QUALITY PROGRAM

Mrs. MURRAY. Mr. President, I want to thank the subcommittee for its hard and diligent work on this bill. In particular, I appreciate the earmark of $500,000 for the Coordinated Tribal Water Quality Program for fiscal year 1997.

This program began in 1990 when the 26 tribes and tribal organizations in Washington State came together with a cooperative intergovernmental strategy to accomplish national clean water goals. As a result of Federal court decisions, the State of Washington has recognized the tribes as comanagers of water quality in the State. This program has been an effective tool for leveraging scarce public funds to create viable, watershed-based water quality protection plans.

It is my understanding that the $500,000 earmark in the committee report is not intended to preclude the Coordinated Tribal Water Quality Program from receiving the needed additional $2 million from the Environmental Protection Agency's existing funds under section 104(b)3 of the Clean Water Act.

Mr. BOND. Mr. President, the Senator from Washington is correct. The earmark is intended to be a floor from which the EPA may supplement the Coordinated Tribal Water Quality Program. The additional funding will allow the tribes to fulfill their roles as comanagers of water quality in Washington State.

Mrs. MURRAY. I thank the distinguished Chairman for this clarification.

The PRESIDING OFFICER. Pursuant to the previous order, the conference report accompanying H.R. 3666, the VA–HUD appropriations bill, having been received, the conference report is agreed to, and the motion to reconsider is tabled.

The conference report was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING THE FAMILY AND MEDICAL LEAVE ACT

Mr. KENNEDY. Mr. President, passage of the Family and Medical Leave Act in 1993 was a true landmark for America's families. For the first time, millions of working men and women were freed from the threat of job loss if they needed time off for the birth of a child or to care for a sick family member.

The act has worked well—for employees and for their employers. Employees are now able to take a leave of absence to be with their children or with a sick relative at a crucial time for the family, so that they can provide the special care and compassion which are the glue that binds a family together. In the 3 years since its enactment, it has already helped millions of American families.

For seriously ill children it is particularly important. Having the emotional support of close family members can be a crucial element in their recovery. Allowing a parent the time to be with his or her child under these circumstances can truly make a difference.

The impact on employers has been negligible. A research survey commissioned by the Bureau of Labor Statistics found that 93 percent of businesses incurred little or no additional cost due to the Family and Medical Leave Act. There was no noticeable effect on productivity, profitability, and growth resulting from the new law, according to 87 percent of the businesses surveyed.

In light of these facts, it is particularly shocking that Bob Dole would attack the Family and Medical Leave Act as he did the other day. He criticized the Family and Medical Leave Act as an example of ''the long arm of the Federal Government'' interfering with the rights of business owners. As he stated, ''My view is, why should the Federal Government be getting into family leave? * * * the Federal Government ought to be out of it.''

Bob Dole is wrong about family and medical leave and many other issues. In more and more American homes today, both parents must have jobs in order to support their families. A substantial majority of children live in families where neither parent is at home during the day because of their jobs. If we value families—if we are serious about helping parents meet the needs of their children—then family medical leave is essential. Family members must be allowed time off from work to care for a newborn infant, to nurse a sick child back to health, or to be with a sick parent or spouse in a time of medical crisis.

The price of meeting these family responsibilities should not be losing your job. That is why family and medical leave is essential. Bob Dole may not understand this, but American people, by an overwhelming majority, do understand it.

The current law has made a dramatic difference for working families. But, it does not address another very important issue for such families—the need for a brief break in the workday to meet the more routine, but still very important, demands of raising children. At a time when more children than ever are growing up in one parent homes or in families where both parents work outside the home, this flexibility is becoming more and more essential.

Every working parent has experienced the strain of being torn between the demands of their job and the needs of their children. Taking a child to the pediatrician, meeting with a teacher to discuss a problem at school, accompanying a child to a school event, watching a child perform in a special recital or in the big game—all of these often require time off from work. No parent should have to choose between alienating the boss and neglecting the child.

Many employers understand this, and allow their workers to take time for family responsibilities. But many other companies refuse to accommodate their workers in this way. The ability of parents to meet these family obligations should not be dependent on the whim of their employer. In a society that genuinely values families, it should be a matter of right.

Under proposed Democratic amendments to the Family and Medical Leave Act, working parents would be entitled to 4 hours of unpaid leave a month, up to a total of 24 hours of leave a year, to participate in their child's school and community activities or to take that child to the doctor.

Employers would have to receive at least 7 days advance notice of each absence, so that employers will have ample opportunity to arrange work schedules around the brief absence of the employee.

Clearly, this legislation is needed. A recent survey of 30,000 PTA leaders found that 89 percent of parents cannot be as involved in their children's education as they would like because of job demands. A Radcliffe Public Policy Institute study completed last year found that the total time that parents spend with their children has dropped by a third in the past 30 years. This disturbing trend must be reversed.

Greater involvement of parents in their children's education can make a vital difference in their learning experience. A big part of that involvement is more regular contact between parent and teacher, and more regular participation by parents in their children's school activities.

Many of those meetings and activities are scheduled during the workday. As a result, millions of parents are unable to participate because their employers refuse to allow time off. Permitting a modest adjustment in a parent's workday can greatly enrich a child's schoolday. All children will benefit from this kind of parental support and encouragement, and so will the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIFE AND CHILD ABUSERS CAN STILL OWN GUNS

Mr. LAUTENBERG. Mr. President, on September 12, the U.S. Senate, by a vote of 97 to 2, approved an amendment that I sponsored to ban wife beaters and child abusers from having guns. Last night, I learned something about this place that shocks me, and I am here now for 14 years. I learned that even a mandate, voted on 97 to 2, can be dispensed with by a wink of the eye and a nod of the head, with the Rifle Association looking over Members' shoulders. I was told last night that, behind closed doors, the Republican leadership has decided to entirely gut this legislation and say that someone who beats his wife and beats his child ought to be able to own a gun. In other words, the gun is more valuable than the life that may be in jeopardy.

According to the information I received, the continuing resolution now will contain language that seems to have been drafted directly by the National Rifle Association. This new language would allow child abusers to have guns. It also lets off the hook all wife beaters who are convicted in a bench trial, that is, as opposed to a jury trial, just a judge sitting there. And it contains special notification requirements that will allow many wife beaters to hold on to their guns, and that will say to these wife beaters: For you, unlike for everyone else in our society, ignorance of the law is an appropriate excuse.

Mr. President, perhaps it is obvious, but I am absolutely outraged by this proposal, and I hope Americans across our Nation will be outraged, particularly those who have a sister, a mother, a daughter, those who care about what happens with women in our society. It represents a complete cave-in to the most radical fringe of the gun lobby. It will jeopardize the lives of thousands of battered women and children around our Nation.

I am especially outraged because the language approved by the Senate had won such broad, bipartisan support. Among those who approved this legislation were Senator CRAIG, Senator LOTT, the distinguished majority leader, and Senator HUTCHISON from Texas. They all agreed to this. That is why my amendment passed this body by a vote of 97 to 2.

Unfortunately, the gun lobby is now intruding in the legislative process and emasculating this legislation. The NRA language, apparently being placed in the CR, would completely gut the protections in our amendment. It would put guns directly in the hands of people who have beaten their wives or abused their kids. The end result, without any question, would be more shootings, more injuries, and more death.

Mr. President, this new language has several flaws, and I want to take a moment to explain them. First of all, this amendment would completely exempt child abusers from the ban on firearm possession. OK, you can beat your kid, you can still have your gun. Is that the kind of society that we want? I don't think so.

As I have explained, my proposal, as approved by the Senate, applies both to those who abuse their spouses and those who abuse their children. The new language in the Republican bill stands for the proposition that child abusers may continue to possess their guns.

Mr. President, that is absurd, it is outrageous, infuriating, and it is an insult to women in our society. It is an insult to men who think positively about the females in their lives. If someone assaults his own child and is convicted for it, that abuser, in my legislation, has sacrificed any claim to a gun. That is the way I think it ought to be, and 97 Senators agreed with me. That was the second vote, by the way, on my legislation. One time it was unanimous, by a voice vote, with not one objection. More importantly, the child needs protection, and he or she deserves it.

If we can't protect the most vulnerable among us, our abused children, what does that say about us? What does it say about this cowardly Congress? What does it say about the power the National Rifle Association has over our entire society?

Mr. President, excluding child abusers from this ban would be reason enough to defeat this amendment. But there is more. This amendment would also allow many wife beaters to continue to possess firearms. The amendment would entirely exempt from the ban anyone who has been convicted in a trial that was heard solely by a judge. Only convictions from a jury trial would be subject to this watered-down ban.

Mr. President, I can tell you that many wife abusers in my State of New Jersey are convicted in a bench trial. They are brought before the judge and he renders a verdict. These convictions are entirely valid. They can send someone to jail or declare it a misdemeanor. There is no basis for excluding those charged and convicted by a judge—excluding them from the prohibition.

Mr. President, States vary considerably with respect to the types of crimes for which a jury trial is required. In some States, jury trials are used in most domestic violence cases. But in others, judges handle many of these cases.

So the effect of this amendment would be to exclude from the ban a large number of wife beaters, who happen to beat their wives in a State that has a bench trial rather than a jury trial. These wife beaters may have been just as violent as those in other States, where other abusers would be tried by a jury. But under this new language, these wife beaters would have a special exemption. They would be off the hook. ''Aha, you didn't try me by a jury, so I want my gun while I beat my wife.'' Meanwhile, the wives and kids will remain unprotected from gun violence and, for some, that will mean, very simply, they are going to die. The difference often between the beating and a murder is the presence of a gun. Mr. President, it is wrong.

It is time to establish a very clear rule. If you are convicted of beating your wife or your child, you lose your gun. If you are convicted of abusing your child, you lose your gun, no ifs, ands, or buts.

Mr. President, another problematic provision in the new CR language—the continuing resolution is going to determine how we finance most of Government, and I want everybody to understand that, starting with the fiscal year, October 1. That is how we are going to finance Government. In that is this language that gives special exemption to wife beaters. The new language says to wife beaters: We are going to create a special exemption for you if you have been convicted by a judge.

In general, as most Americans know, ignorance of the law is no excuse. But, here, there is another out for the wife beater. For some reason or other, under this amendment, wife beaters would not be subjected to this rule. This amendment says that a wife beater must explicitly be given notice of the firearm ban at the time he is charged or notified of the complaint. Otherwise, if the notice is not given at the time of complaint or charging, the wife beater will be entirely free to have the gun. In other words, ''Aha, I wasn't told that if I beat my wife, I might lose my gun, so therefore, it is my gun and my wife, and if I want to beat her, I will beat her.'' That is what they are saying.

Now, Mr. President, I am all for telling wife beaters they can't have a gun at any time. That is the best way, and it ought to be. It should not be a prerequisite for a ban. After all, it is not a prerequisite for anyone also. Felons are prohibited from having guns, regardless of whether they have ever been officially given notice. For them, ignorance of the law is no excuse. But under this amendment, it would be an excuse for a wife beater.

In fact, this amendment is constructed so poorly, that it would even allow wife beaters to get guns if they did get notice, if the notice wasn't at the time of the complaint or charging. In other words, if someone is only given notice about the ban when they're convicted, they could still possess guns.

Another effect of this language, Mr. President, is that it would completely exempt from the ban anyone who beat their wife, and was convicted, before the CR gets enacted, if they want to make it easy for these wife beaters to escape. This means that huge numbers of battered wives and abused children will remain vulnerable to firearm violence.

Mr. President, the bottom line is that the provision apparently to be included in the CR is not serious legislation even though Speaker GINGRICH said on a Sunday show that was witnessed by millions of Americans when he said he would accept this proposition, this legislation that I put forward. He promised he would do it. But once the NRA got hold of him and pulled on his coat a little bit he said, ''Well, OK. Maybe we will just water it down a little bit.'' The same thing happened on the floor of this body.

It's little more than a sham. It claims to establish a gun ban for those committing domestic violence. But it's been drafted cleverly by the gun lobby. And, not surprisingly, it's got loopholes large enough to drive a truck of wife beaters through.

Mr. President, the problems with this amendment go on and on. And that's because this is not a serious amendment. It's a sham. It is a dodge. It is a shame.

It's a desperate attempt to let wife beaters and child abusers keep their guns. And nobody should be fooled into believing otherwise.

Mr. President, I know the NRA has a lot of power around here. We see it exhibited all the time—raw power. I do not know how many members they have. It is estimated, as I understand it, at 3 million but they have 260 million other Americans in the grip of their hands. But isn't there some point at which we draw the line? Isn't their some point at which we draw the line? Isn't their some point where we say enough is enough? Isn't their some point where they want to protect their own wives, or their own children? Isn't there some point when we can stand behind a 97 to 2 amendment approved in the U.S. Senate and say, ''Yes, we meant it?'' Or did we say in some cases we meant it until we got into the darkness of a closed room and then we made our deal, and in the light before the public? Oh, no. We are good guys. We do not want those wife beaters to have guns, those child abusers to have guns. But in the secret of a dark room they said ''Yes. The guy ought to have a gun. What the heck. He only beat his wife.'' If he beat the wife next door he would be in jail for 5 years; or, if he abused the child next door he would be in jail 5 years, or maybe in some States they want child abusers to be in jail for life. But if it is your own kid, if it is your own wife, it is like that is chattel property, you know. Just do as you please.

Mr. President, I hope my colleagues will keep something in mind when they think about this provision. This is nothing short of a matter of life and death.

Somewhere out there, there are thousands of battered wives and abused children. Thousands of innocent Americans who are virtually helpless against their abusers.

Mr. President, every year, there are about 2 million reported cases of domestic violence. Very few of them get prosecuted because they are convinced or frightened by the abuser that it would be tough. He wants to be forgiven. In approximately 100,000 of these cases a gun is involved—some put this figure at 150,000. In other words, an argument ensues, a gun is held, aimed and pointed to the head of the woman, and he says, ''If you do not do this I am going to blow your head off.'' And the child witnessing that carries that trauma for life.

There is no question that the presence of a gun dramatically increases the likelihood that domestic violence will escalate into murder. According to one study, for example, in households with a history of battering, the presence of a gun increases the likelihood that a woman will be killed threefold.

As Senator WELLSTONE put it so beautifully and succinctly on the floor one day, all too often, the difference between a battered woman and a dead woman is the presence of a gun.

Mr. President, it is not an exaggeration to say that for many women and children, we have their lives in our hands.

We can save their lives by enacting the Senate proposal, and keeping guns away from their abusers. Or we can cave in gutlessly to the NRA. And they will die. And they will be buried in their communities. But some of the grief has to extend to this place.

Mr. President, my message is simple. Wife beaters should not have guns, and child abusers should not have guns. And I urge my colleagues to stand up for the victims of domestic violence, to reject this sham legislation, and to enact meaningful law to keep guns away from wife beaters and child abusers.

And if the NRA and their supporters insist on pushing a sham ban, I want to put everyone on notice that I intend to fight this every step of the way with all the tools at my disposal.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

VOTE TO OVERRIDE THE PRESIDENT'S VETO OF H.R. 1833

Mr. THURMOND. Mr. President, I rise today to speak on the President's veto of legislation to ban partial-birth abortions.

The President should have signed this legislation and helped us ban the shocking procedure known as partial-birth abortions. Instead, he ignored the overwhelming evidence that compels the need for this legislation to become law. I heard testimony on this matter from doctors before the Judiciary Committee and without any doubt, the availability of this procedure is indefensible.

The former Surgeon General, C. Everett Koop, stated, and I quote, ''In no way can I twist my mind to see that partial-birth —and then destruction of the unborn child before the head is born—is a medical necessity for the mother.''

Mr. President, one important issue that must be addressed here is the constitutionality of the partial-birth abortion ban. I believe that based on Supreme Court rulings in this area, the Partial-Birth Abortion Ban Act of 1995 would survive a constitutional challenge. In fact, in Planned Parenthood of Southeastern Pennsylvania versus Casey the Supreme Court stated, ''The woman's liberty is not so unlimited * * * that from the outset the State cannot show its concern for the life of the unborn, and at a later point in fetal development the State's interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted.''

The Casey decision established the undue burden test with the threshold question being whether the abortion-related statute imposes an undue burden on a mother's right to choose to have an abortion.

Mr. President, I believe that the Partial-Birth Abortion Ban Act of 1995

would survive constitutional challenge and would be subject to the rational basis scrutiny because it does not impose an undue burden on the mother's right to choose to have an abortion. The legislation is constitutionally sound, serves a legitimate governmental interest, and should become law.

The House recently voted to override the President's veto of this important bill and we should join them when the Senate votes on Thursday. I urge my colleagues to override the President's misguided veto of the Partial-Birth Abortion Ban Act of 1995.

I wish to thank the able Senator from North Dakota for allowing me to speak at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUES IMPORTANT TO THE AMERICAN PEOPLE

Mr. DORGAN. Mr. President, earlier this morning, as is often the case, in the Senate we had a number of Senators come to the Senate floor with a message that essentially the folks who sit on the Democratic side of the aisle have not been very constructive in their legislative approach, and the Republican legislators have been carrying the issues that were important to the American people. They take on the President, and they take on the Democratic leader of the Senate. We have to come to the floor occasionally to respond to these, and I do so again today.

It is interesting. Today we were told that the Democratic leader of the Senate, Senator DASCHLE, was wrong in his assessment of the 104th Congress. They said he didn't know what he was talking about with respect to the 104th Congress. Why, this was a wonderful Congress. What a productive Congress it was.

I would like to talk a little about that because at the first part of this Congress I recall seeing someone stand on the other side of the floor and offer a message to the American people, saying we ought to be ashamed of the last 50 years; what an awful place this country has become—50 years downhill for America. Who caused it? The Democrats, of course, according to that speaker. I rose that day, and I said we must be living in different countries.

Let me stand up and say I am proud of the last half century in this country. I am proud of what we have done. In fact, some of the same people who tell us that this country has gone to hell in a handbasket, they would say, are suggesting that we build a fence to keep immigrants out.

Why would someone suggest we need to build a fence around this country to keep people out if it is such an awful place? This country is a strong, resourceful, wonderful country that a lot of the people in the rest of the world want to come to because it is a beacon of hope and opportunity.

The fact is this Congress is a very unusual Congress. At the start of this Congress, Republicans were elected to control the House and the Senate. The American people made that choice, and I respect that choice. But they came to town, elected a new Speaker of the House of Representatives, and they had a victory lap like peacocks in full mating season. It was almost like a coronation at the start of this Congress. And full of themselves, they proposed a range of issues. They said, look, the first thing let's do, let's invite the polluters into the U.S. Capitol in something called project relief. We will tell those corporations in America who are disadvantaged by the clean air and the clean water laws: Come in. Help us to rewrite the clean air and clean water laws to make it a little easier for polluters. A couple hundred representatives of industries that pollute in America were told by the majority: We would like to make it easier for you.

Now, the background here is that in the last 20 years our country has doubled its use of energy. But in 20 years, while we doubled the use of energy, we also have cleaner air and cleaner water. Why would that be the case? Because the American people decided and Congress responded to say to those who are polluting: You must stop polluting, and if you do not, there will be severe penalties. Regulations requiring clean air and clean water have cleaned up America's airshed and cleaned America's waters—not perfect, but it is on the road to substantial improvement even though we have doubled our use of energy.

The majority party said, by the way, we will make available some office space for you. You all come in and tell us how we can back away from clean air and clean water regulations. A significant calculation, but that was just the tip of the iceberg. They seemed to think that their mandate was this country would want more pollution and less education and more defense but less health care; proposals that said let us provide a very significant tax break that will provide a $30,000 tax refund if you happen to be making $300,000 a year. Smile all the way to the bank. And in order to pay for that, we are going to tell little children in school: If you are a poor kid going to school, in the middle of the day you no longer have entitlement to a hot lunch. Or say to people who are disabled: We are going to make sure that you no longer have an entitlement to health care if you are disabled.

You think that was not the case. It was. One hundred proposals in the first 100 days, some of them so bizarre, so extreme, so far off the chart that I think the American people took a look at this and said: That is not what we wanted. We want good Government. Not more Government, we want good Government. But we do not want people taking Government apart in circumstances where it is important to help the lives of the American people. We want better schools. We want police protection. We want a good Defense Department. We also want to care about the disabled. We want to care about poor kids in school who are hungry in the middle of the day.

That is what this has been about.

The manifestation of all of this was that some of us said we will not agree to cutting Medicare $270 billion so that you can have a tax cut of $245 billion, the majority of which will go to the upper income folks. We will not agree to that. We will not agree to saying to poor kids in school that you no longer can get a hot lunch. We will not agree to stripping the entitlement for health care for the disabled.

What happened as a result of that? As a result of that, we had a pique of anger, a fit of anger, and the Government was closed down twice. We will just close it down, they said. We do not care about Government anyway. Just close it down. And they closed it down.

The American people said: What kind of behavior is this? Do they need adult supervision? What kind of behavior is this in this Congress?

They quickly turned against the majority in this Congress.

It is interesting; the second half of this Congress has been markedly different. It is exactly as the Democratic leader portrayed it. The second half we have accomplished some things which largely represent the agenda of those of us who fought for constructive changes. We have said there are health care changes that we ought to make, and initially it was blocked and then embraced by the majority party, and we passed the health care reform bill. We said we ought to have an adjustment in the minimum wage; it has been 7 years. Initially, it was blocked and then embraced by the majority party, and we passed a bipartisan minimum wage bill.

There are a number of steps which have occurred that represent bipartisan achievements finally in the latter stages of this session. And now this session limps to a close. We have not yet enacted five of the appropriations bills so we will have those put into what is called a continuing resolution.

I think the record of this Congress is going to provide some of the most remarkable reading for historians a century from now. They will look at this and they will scratch their head and say: What on Earth happened in 1995 and 1996? They will see two different Congresses, one confrontational, belligerent, give no quarter, extreme, pushing and pushing and pushing for a philosophy which believes that America is helped if you somehow put something in at the top and let it all drip down and filter down and trickle down to the rest, fought tooth and nail by others

who believe that America's economic engine is represented by the folks on the foundation at the bottom who are working every day, working hard to try and make do for themselves and their families. We call that the percolate up belief in this economy. Hubert Humphrey used to say trickle down, percolate up. He said trickle down, now that is the theory where if you feed the horse some hay, later on the birds will have something to eat. Anyone who has been around horses knows what all that means. That is trickle down. Supply-side economics, some call it. Supply-side, that is when the other side gets all the supplies. That is pretty easy to understand.

My only point today is to say those who characterize this Congress as a Congress constructive only by the majority party over the objections of the minority misconstrue the record of this Congress. This Congress started in a set of circumstances that represented the most extreme proposals, including finally Government shutdowns because we would not go along, and then Congress changed and the second half of this Congress has been more productive because it has been bipartisan and because we have seen the embracing of some of the constructive things that we think, policies that we think will make life better in this country for the American people.

My point is this. This Congress does not work, cannot work, and will never work with one party trying to make it work. Congress will always work and work best if you find bipartisan consensus. The fact is, Senator Dole sat over there during his Senate career. I have said before and I will say again that Senator Dole is a wonderful American who has provided enormous service to this country, and I deeply admire him. He served here many, many years. While I might disagree with him on some policies, he, I think, was a remarkable Senator. I have said before and let me say again, I would not trade Senator Dole for all 73 freshmen House Republicans who came here bragging they had no experience, and quickly showed it. The fact is, there are people serving in this Congress, Republicans and Democrats, for whom I have the most enormous respect, who have the kind of experience which can provide solid, stable leadership for this country, who will help this country advance and grow, help our economy produce new opportunities, help maintain this country's leadership in the rest of the world. We can, it seems to me, and should, it seems to me, in the 105th Congress not talk about just what we do right and the other party does wrong. We should talk about what we can do together. And part of the demonstration of that is in what we have done toward the end of the 104th Congress.

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

WHITEWATER PARDONS

Mr. FAIRCLOTH. Mr. President, I rise to speak on what I consider a travesty that I believe to be imminent. Mr. President, yesterday a number of newspapers reported that President Clinton refused to rule out a pardon for his Whitewater business partners James and Susan McDougal and former Gov. Jim Guy Tucker. He would not rule it out, and, Mr. President, I believe that he has ruled it in.

The President said that such pardons would be handled in a routine fashion. I do not see how he can think about handling the McDougals and Governor Tucker in a routine fashion. That is absurd.

His statements should serve as a warning to voters of what to expect after the election. It is very possible that there will be pardons for all those involved in Whitewater, and the significance of this outrage should not be lost on the public. The President was sending a strong message to the McDougals and their friends. Susan McDougal is in jail for contempt of court because she refuses to answer legitimate questions before a duly constituted Federal grand jury that is attempting to investigate Whitewater. Her defiance is a challenge to the foundation of our judicial system, and, Mr. President, her attempt to politicize her criminal convictions, handed down by a jury of fellow Arkansans, is outrageous.

She clearly got the message yesterday, however, when she read the headlines. Essentially, the message was, ''Hang in Susan. The cavalry is coming. Don't break down and cooperate. The pardon is on the way after the election.''

The same message went to her former husband, Jim McDougal. He is facing 84 years in prison for his conviction last May, and he is supposedly cooperating with the Independent Counsel in an attempt to reduce his prison sentence. Nonetheless, the President comes forth and says, ''Jim, I'm raising the bid. I am offering a better deal. Don't cooperate with the prosecutors and I will reduce your sentence to nothing because I will pardon you even before you start serving time.''

How can the prosecutor attempt to compete with a complete pardon from the President? The message also went out to Jim Guy Tucker. Now, Mr. Tucker received a light sentence that included no jail time, but he potentially faces other charges that Mr. Starr could bring. In exchange for dropping those charges, Mr. Tucker could cooperate more fully than he has. But now he has gotten the President's message: Hold tight, sit still, the election will be over in November and win, lose, or draw, you will be pardoned.

Mr. President, I would remind people that 12 fellow Arkansans convicted the McDougals and Jim Guy Tucker. They were convicted of misusing taxpayers' money. Mrs. McDougal used a $300,000 Government loan intended for disadvantaged people to increase her real estate holdings and to redecorate her home. Who is going to pay for the $300,000 loss? The hard-working taxpayers in this country. The McDougals ran a savings and loan into the ground and into bankruptcy. That cost the American taxpayers $68 million. Today, on the Senate floor, we will very likely consider legislation to address the problems of funding the savings and loan crisis. It is still with us. Banks and savings and loans that had nothing to do with creating the crisis are going to be taxed to pay billions of dollars more to help end this and solve the problem.

You can rest assured that there are job losses in this country, and many of them, because of the billions that the banking industry will have to pay back to further solve the savings and loan crisis. But I have not heard anybody complaining about the job losses. Yet, you see a nightly sympathetic portrayal of the position of Susan McDougal, who contributed to the losses significantly, and about the plight of her life now that she has been caught and convicted.

Mr. President, I hope the American people would not be fooled by President Clinton's action. I can only conclude, and I do not think anybody can conclude otherwise, that he intends a full pardon, which would amount to a full-blown coverup of Whitewater, between November and his exit from the Presidency, in January. He just needs to keep everyone tight-lipped until the November election and then he will eliminate Whitewater as an issue altogether.

Can you imagine what would have happened, how changed things would have been, if Richard Nixon had been so bold? What if he had simply pardoned all Watergate burglars immediately after his election? If he had, Watergate would not be in the vernacular of politics today and he never would have been forced into a resignation.

Mr. President, the American people need to be forewarned and alerted. If reelected, or not reelected, I believe that Bill Clinton has every intention of pardoning his friends in the Whitewater case. What does this say about his supposed innocence in the affair?

Many people would like to suggest that Whitewater is not a story, that it is old news, that it has no relevance for today. They are wrong. Today's headlines, ''Whitewater Pardons Possible'' speaks volumes about this administration and its integrity. This can be applied to a whole host of issues that have come before this administration, and it is a good glimpse into how Mr. Clinton would conduct the Presidency if he were to be elected for 4 more years.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the Senator from Nevada

has 15 minutes under a unanimous consent as agreement?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent that Senator FEINGOLD be allowed to speak for up to 10 minutes as in morning business.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not believe I will object but I would like, for clarification purposes—I intended to speak right after the Senator from Nevada. Would the 10 minutes be included as part of his 15 minutes?

Mr. REID. No. The unanimous consent was to give him 10 minutes. I did not say when it would be, but it would be as in morning business.

Mr. INHOFE. I would not object if I would be allowed to speak for 5 minutes prior to that.

Mr. REID. I ask that be part of the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING FIREFIGHTERS

Mr. REID. Mr. President, as I indicated last week, one of my concerns is how people feel about Government. We hear so much negativism that it seems that nothing good ever happens in Government. Whenever I return to Nevada, and especially when I go to the elementary and secondary schools, and universities, I always tell those young people that Government has done good things for people and continues to do good things for people.

What I want to do is, certainly, not whitewash what Government has done or is doing, because we all know we can do better and could have done better in the past. What I want to do, on a periodic basis, is talk about some of the things that are happening in Government that are good.

Every summer, communities up and down the east coast keep a wary eye out for the hurricane season and the havoc that hurricanes wreak. It is hard for me to comprehend the devastation that has taken place in the State of Florida, as an example.

Here in Washington, we only have to look back a few weeks to the chaos caused by Hurricane Fran. But just getting a little bit of that vicious storm, the Potomac overflowed its banks, we have roads that were washed out, and people all across Virginia have soaked basements. Commuting became very difficult.

Out in the western part of the United States, we have problems that are also created by nature. It happens almost on a yearly basis, and that, Mr. President, is the calamity of wildfires. I am sure people from the East have difficulty understanding how these fires will rage over thousands and sometimes millions of acres of land. They are very difficult to stop. The dry hot weather, mixed with the brittle underbrush, makes millions of acres nothing more than tinderboxes waiting for a flash of lightning, or a careless act by a human being.

So far this year in 1996, almost 6 million acres have been consumed by fires across the United States. About 90,000 fires have started. Firefighters have managed to quell most all the fires. Those they have been unable to defeat are in the hundreds.

The manpower required to battle Mother Nature is mindboggling. Mr. President, 25,000 firefighters worked this summer to save communities from these wild raging fires. On August 30, it reached its peak; that is, the battle of man against nature, when 22,000 men and women in 1 day were on the fire lines trying to control these fires.

The efforts of these firefighters are coordinated through a Government agency called the National Interagency Fire Center, which is based in Boise, ID. This agency was established 31 years ago as a cooperative project with the Bureau of Land Management and the Forest Service.

When a fire breaks out, local firefighters usually can handle it, but if they cannot, it is then that they call the National Interagency Fire Center, in effect, asking for help. Then the Fire Center calls in resources from the Bureau of Land Management, Fish and Wildlife Service, National Park Service, Forest Service, and the Bureau of Indian Affairs, or any combination thereof. As ground and air crews battle these fires, the National Interagency Fire Center—experts in fire ecology, fire behavior—work with the National Weather Service personnel to plan strategies for fighting these raging fires while keeping an eye, of course, on changing weather patterns. These fires become so intense, Mr. President, that they, on occasion, create their own weather.

As we all know, firefighting is a dangerous and unglamorous business. But fighting wildfires is more grueling than most can imagine.

There are different types of firefighters. There are the major league firefighters and there are firefighters who are referred to as type 2 crews.

What are type 1 crews? They consist, first of all, of smokejumpers. When the fire breaks out and the National Interagency Fire Center is called, usually who they send in first are these very courageous, well-trained men and women who are smokejumpers.

There are only 400 of them in the United States, but they do so much. They are chosen for their incredible physical and mental stamina. These elite crews parachute into areas that are otherwise inaccessible. They carry with them packs that can weigh over 80 pounds. They jump from these airplanes with packs, as I indicated, weighing over 80 pounds. In the packs, they have firefighting equipment, and they have food and water, enough to last them for up to 3 days.

They are the first line of defense most of the time in stopping one of these fires. When they are in the middle of one of these infernos, they push on and go for as many as 3 days without sleeping.

We also have as first line fire crews people who rappel into an area off helicopters. Helicopter firefighting is something that is relatively new, but these helicopters also take these people into very remote areas. Once they have reached their destination, these brave people rappel down to the fire and begin their work.

They, too, carry huge packs. There are 400 smokejumpers. There are only 200 of these so-called heli-rappellers working for the Forest Service.

Hotshots are also part of the type 1 crews. These firefighters, part of an elite ground crew, are working the front lines of fires that have raged out of control. Many times we have the smokejumpers come in, we have the heli-rappellers come in and then if a fire cannot be contained, you have these hotshots come in and work the front lines of fires that have raged out of control.

Mr. President, very recently, I called a man at one of the hospitals in Nevada. He was at the university medical center. He was there because it is the best and perhaps the only intensive care facility for people who are badly burned in all of the State of Nevada. He was transported about 400 miles from a fire that he had been fighting. He had to be transported because Dave Webb, the man who I called on the telephone, had been badly burned in a fire near Winnemucca, NV. He had second- and third-degree burns on his face, hands, and legs.

When I called, he was not able to handle the telephone. Someone had to handle the telephone for him. He is one of the very brave men who every summer endanger their own lives to go into these areas where it is difficult to comprehend people would be willing to go into.

I talked with him about what had happened, and he explained it to me, with a lot of humility, embarrassed that the fire had gotten to him and burned him so badly. He felt that he had been a failure. Of course, he had not been a failure. He had worked in many of these fires.

This happens every summer. He was one of the lucky ones. He was not killed.

These type 1 crews, like Dave Webb, have worked together for many years. They know each other. They are, in effect, the Green Berets of the firefighters. I extend my appreciation to the type 1 firefighting crews, those who jump out of airplanes, climb out of helicopters, who work the front lines.

Mr. President, there are others, though, thousands and thousands of others who do not jump out of airplanes or helicopters or are not trained to be hotshots, but are extremely important. These are the type 2 crews.

They come in, they fight fires. They watch fires after they have been put out, because one of the real dangers we have with fires is they appear to be out, but some of the worst forest fires we have had have been initiated after the fire has been put out, when people thought the fires died down.

Over 3,000 fires in the Great Basin alone burned almost 2 million acres this summer, and communities across the State of Nevada were witness to the dramas that played out in the hills and mountains above their homes.

Driving just 2 miles out of Reno on Highway 80 going to the west, you see the results of one fire they had there this summer. There in the Belli Ranch area, 7,000 acres were consumed by a fire that is suspected to have been caused by an arsonist. This cost the taxpayers at least $2 million.

As you go past the Belli Ranch area and drive into the community, you are confronted by really a breathtaking scene.

You can see the black sweep of the fires that rolled up and down hill after hill. Then, almost magically, the black gives way to the beautiful green of the sage and other brush and grasses. This green is the buttress of only about 10 or 20 feet from the homes. The fire got within 10 to 20 feet of the homes. Saved and intact, the homes in the community are alive with the daily hustle and bustle of life, having come so close to having been consumed, as other homes in Nevada and the West were consumed this summer.

So people in Nevada and other parts of the West are grateful to the men and women who put their lives on the line to stop the fires before communities were swallowed up, just like the homes that were saved in the Belli Ranch fire.

This fire season is drawing to a close, Mr. President, and we in the West breathe a sigh of relief that we have been able to endure again the wrath of mother nature, or sometimes an act of malice, or carelessness by man.

We say thanks to the 22,000 firefighters that have been employed by the Federal Government during this fire season. To the pilots who fly into the face of these fires, the crews that jump out of these airplanes, out of these helicopters, the ground crews that struggle against the infernos that threaten communities, to the people of the National Interagency Fire Center who coordinate so well so much of the battle, I say thank you. And to my fellow Americans, Mr. President, I say, that is how Government works for you. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to extend my 5 minutes to not to exceed 10 minutes.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I would like to add to that unanimous-consent request that at the conclusion of the Senator's remarks, I be allowed to speak for 15 minutes for purposes of introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Thank you, Mr. President. I will be very happy to accommodate the distinguished Senator from Florida with his request.

SETTING THE RECORD STRAIGHT

Mr. INHOFE. Mr. President, I happened to be presiding this morning when the very distinguished senior Senator from Massachusetts, Senator KENNEDY, made a number of comments. I know that he would not intentionally say anything that is not totally accurate in reflecting upon the positions and past performances of Senator Bob Dole, but I think inadvertently he misrepresented his stand on a number of issues. I would like to just briefly go over a couple of these.

First of all, it seems as if it has been over a year now since the demagoging of Medicare has taken place on this floor. I was very pleased a year ago today, I believe it was, to read an editorial in the Washington Post. And, Mr. President, I do not think anyone has ever accused the Washington Post of being a Republican publication.

So, finally, I feel that they looked at this and thought this is such a serious thing, that the Republicans had a program to save Medicare, and that by the admission of the board of trustees that was appointed by President Clinton, if we did not do something, Medicare would have gone broke by the year 2002, then that was updated a year later and they said it really would be 2001, and the Republicans had a program to control growth, not cut—there has never been any intention to cut benefits of Medicare to the American people—but have controlled growth, do away with waste and fraud and abuse and install some other things that would make it a viable program.

So, finally, the editorial boards around the country, that are normally not sensitive to Republican causes, rallied and said, we are going to have to do something about it.

I would like to read the last two sentences of an editorial found in the Washington Post a year ago, just about now. I believe it was a year ago today. It was called ''Medagogues, Cont'd.'' This is the second one. A week before that they had one where they demonstrated very clearly and very persuasively that what the Republicans were trying to do was to save Medicare. The last two sentences are:

> The Democrats have fabricated the Medicare-tax cut connection because it is useful politically. It allows them to attack and to duck responsibility, both at the same time. We think it's wrong.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the editorial entitled ''Medagogues, Cont'd'' from the Washington Post be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Mr. President, the second attack on Senator Bob Dole by the distinguished Senator from Massachusetts had to do with the Kennedy-Kassebaum bill, implying that Bob Dole was opposed and had been opposed to the Kennedy-Kassebaum bill. I would suggest to you, Mr. President, that one thing that Bob Dole was opposed to was a single payer Government-run system which the President had advocated earlier in his administration. In other words, socializing medicine, taking about 12 percent of the economy of this country and putting it in the hands of Government because they can do it so much better than the private sector can do it.

That is what Senator Dole was opposed to. He was not opposed to some of the reforms that were found in the Kennedy-Kassebaum bill. There were a couple of reforms that he wanted that ended up being in the bill. In fact, the President said that if the MSA's, medical savings accounts, were added to the Kennedy-Kassebaum bill, at one point he said he would veto it. Many of those on the other side of the aisle said that if the MSA's are in, it would be vetoed.

Why were people concerned about the MSA's? They were concerned about them because those people who would want to have a socialized approach to health care delivery in this country know that once we have MSA's, we will never go back to that system.

What do MSA's do? They merely allow the choice of individuals so that if an individual wants to shop around for his health delivery services, and he can save money doing so, then he can benefit and have the rewards of what he has saved. I think that our health delivery in America is the only product or service known that actually has a built-in disincentive to save. And I am guilty like everyone else. You know, if I have my deductible and I go ahead and pay that, then I am inclined to go and get any kind of medical or health service that is out there because it no longer costs me any more money. That is human nature.

We finally got a modified medical savings account system put into the Kennedy-Kassebaum bill. I say ''modified.'' It is only on a trial basis. It is going to prove itself. I heard estimates that we could actually reduce the total cost of health care in this country by as much as 50 percent just by having MSA's.

Mr. President, there is another thing we need to do that is not in this bill, and that is to have some kind of medical malpractice so we do not have such a high defensive cost. But anyway, the fact that MSA's are in there now—the President had said he would veto it if they were in there. He did not veto it. I am glad he did not veto it. But certainly it was never Bob Dole's intention to oppose the Kennedy-Kassebaum bill with the reforms in it that he felt

were in the best interests of the American people.

The third thing that Senator KENNEDY said about Senator Dole that I think was misleading, and it was a misrepresentation of his position, was in reference to tax cuts. It is true that Senator Dole, if elected President, wants to come to Congress, which I believe will still be controlled by the Republicans, and come with tax cuts.

He outlined five major tax cuts. I am very supportive of all five of those tax cuts. People ask, how are you going to pay for them? I think people forget about the fact that three decades in the last 100 years Presidents have decided to have tax cuts, and in all three decades it has dramatically increased the revenues.

It is ironic that Senator KENNEDY would be talking about tax cuts and all the damage that is being done when it was John Kennedy in 1962, when he was President of the United States, who said, and I quote:

> In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low. And the soundest way to raise the revenues in the long run is to cut rates now. The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which can bring a budget surplus.

That was what President Kennedy said in 1962. And that is exactly what happened during the 1960's with the massive tax reductions, and we were able to have revenue increases—revenue increases.

Look what happened. The marginal rates of our tax system in 1980 produced $244 billion. In 1990, it almost doubled to $466 billion, and that was during a 10-year period when we had the most massive cuts in our tax revenues.

So I think that it would be good to go back and look at history and see that this country, when it has been overtaxed in the past, that they reduced taxes and had the result of increasing revenues. Certainly, we are in an overtaxed posture right now.

I have often said there are three things that make this country nonproductive, on a global basis, and noncompetitive: One is our high tax rates; one is overregulation; the other is our tort laws. There is not time in this brief time to cover that.

I conclude, Mr. President, by saying when Senator KENNEDY assailed Senator Dole for talking about tax cuts, that he start realizing those individuals—those of us who want to have tax reductions—are the same ones that were trying to stop the 1993 tax increase. In 1993, when President Clinton had control of both the House and the Senate, he passed a tax increase that was characterized not by Republicans but by the chairman of the Senate Finance Committee, which was Senator MOYNIHAN, who said it was the largest single tax increase in the history of public finance in America or any place in the world.

I think, essentially, what we—what Senator Dole, and what the Republicans and the conservatives in this body and in the other body—want to do is merely undo the damage that was done by that massive tax increase and actually repeal the taxes that were increased in 1993. Essentially, that is what Senator Dole wants to do. I believe that is an accurate characterization of his program.

EXHIBIT 1

[From the Washington Post, Sept. 5, 1996]

MEDAGOGUES

We print today a letter from House minority leader Richard Gephardt, taking exception to an editorial that accused the Democrats of demagoguing on Medicare. The letter itself seems to us to be more of the same. It tells you just about everything the Democrats think about Medicare except how to cut the cost. That aspect of the subject it puts largely out of bounds, on grounds that Medicare is ''an insurance program, not a welfare program,'' and ''to slash the program to balance the budget'' or presumably for any purpose other than to shore up the trust fund is ''not just a threat to . . . seniors, families, hospitals'' etc. but ''a violation of a sacred trust.''

That's bullfeathers, and Mr. Gephardt knows it. Congress has been sticking the budget knife to Medicare on a regular basis for years. Billions of dollars have been cut from the program; both parties have voted for the cutting. Most years the cuts have had nothing to do with the trust funds, which, despite all the rhetoric, both parties understand to be little more than accounting devices and possible warning lights as to program costs. Rather, the goal has been to reduce the deficit. It made sense to turn to Medicare because Medicare is a major part of the problem. It and Medicaid together are now a sixth of the budget and a fourth of all spending for other than interest and defense. If nothing is done those shares are going to rise, particularly as the baby-boomers begin to retire early in the next century.

There are only four choices, none of them pleasant. Congress can let the health care programs continue to drive up the deficit, or it can let them continue to crowd out other programs or it can pay for them with higher taxes. Or it can cut them back.

The Republicans want to cut Medicare. It is a gutsy step. This is not just a middle-class entitlement; the entire society looks to the program, and earlier in the year a lot of the smart money said the Republicans would never take it on. They have. Mr. Gephardt is right that a lot of their plan is still gauzy. It is not year clear how tough it will finally be; on alternate days you hear it criticized on grounds that it seeks to cut too much from the program and on grounds that it won't cut all it seeks. Maybe both will turn out to be true; we have no doubt the plan will turn out to have other flaws as well.

They have nonethless—in our judgement—stepped up to the issue. They have taken a huge political risk just in calling for the cuts they have. What the Democrats have done in turn is confirm the risk. The Republicans are going to take away your Medicare. That's their only message. They have no plan. Mr. Gephardt says they can't offer one because the Republicans would simply pocket the money to finance their tax cut. It's the perfect defense; the Democrats can't do the right thing because the Republicans would then do the wrong one. It's absolutely the case that there ought not be a tax cut, and certainly not the indiscriminate cut the Republicans propose. But that has nothing to do with Medicare. The Democrats have fabricated the Medicare-tax cut connection because it is useful politically. It allows them to attack and to duck responsibility, both at the same time. We think it's wrong.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I ask unanimous consent I be allowed to speak for up to 10 minutes in morning business, and following my remarks, that Senator GRAHAM of Florida be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES POLICY TOWARD INDONESIA

Mr. FEINGOLD. Thank you, Mr. President. I rise today to make a few brief remarks about United States policy in Indonesia.

I am deeply concerned about some of the views being expressed by some members of the Clinton administration, and am particularly concerned because the administration has been quite culpable in the past with regard to aspects of our Indonesia policy. Despite a violent crackdown in Jakarta on July 27—not quite 2 months ago—this administration says it still intends to go forward with the sale of nine F–16 fighter jets to Indonesia.

Mr. President, the administration had fully intended to send up notification of this sale earlier this month. Fortunately, objections from myself and many of my colleagues convinced the administration that now was not the right time to announce officially the intention to sell fighter jets to Indonesia.

I am pleased that—for the time being—this sale cannot move forward, at least until Congress reconvenes in January.

But what concerns me today, Mr. President, are recent statements that suggest that the administration necessarily will attempt to notify Congress again in January—apparently without conditioning this move on any actions by the Indonesian authorities either in the past or in the coming months.

Given the history of human right abuses in Indonesia, as well as the events of July 27, I find this attitude difficult to accept.

Last week, the Senate Foreign Relations Committee held a hearing on United States policy toward Indonesia. We heard from two very capable administration witnesses and four distinguished private panelists, including a political science professor from the University of Wisconsin, Madison.

As one of the witnesses commented, this may have been the first hearing in many years to look at the full scope of American ties to Indonesia.

Mr. President, I recognize that Indonesia is an important country and a valuable ally. It is the largest country in Southeast Asia, and its population

of more than 200 million people is the fourth largest in the world. It plays a significant role in Asian affairs, and has been instrumental in conflict resolution efforts in the region. It also has been an important ally of the United States in international forums, such as the United Nations.

I also salute Indonesia's economic success, and believe there are many valuable lessons in Indonesia's experience which can be applied to other developing countries across the world.

Mr. President, these achievements cannot—and do not—excuse Indonesia's consistently dismal record on human rights and its continuous assault on democratic freedoms.

Mr. President, I am particularly concerned about the massive human rights abuses that continue in East Timor.

As we all know, Indonesia has sustained a brutal military occupation of East Timor since 1975. Human rights organizations from around the world, as well as our own State Department, continue to report substantial human rights violations by the Indonesian military—including arbitrary arrests and detentions, curbs on freedom of expression and association, and the use of torture and summary killings of civilians.

More recently, we have heard reports of the Indonesian military conducting systematic training of East Timorese youth to take part in local militia groups. We also have heard disturbing reports of increasing religious and ethnic tension in East Timor, which at times is exacerbated by government inaction.

On top of the ongoing pattern in East Timor, the July 27 events in Jakarta reinforce my perception of an Indonesian regime that squashes alternative political discourse.

On that day, hundreds of people rioted after President Soeharto attempted to oust Megawati Sukarnoputri, a popular opposition leader, from her position as chair of the Indonesian Democratic Party, or PDI.

During the riot, arson-led fires caused considerable property damage. At least five people were killed, at least 149 injured, and hundreds arrested. But, as Human Rights Watch reports, many of those arrested did not appear to be responsible for initiating the riot. Instead, most were linked, or accused of being linked, to the reform movement or specifically to the Megawati camp.

Mr. President, I ask unanimous consent to have printed in the RECORD a September 20, 1996, article from the Washington Post which describes how difficult it is for Megawati to operate as an opposition candidate after government officials ousted her as party leader, threatened to shut down party headquarters, and arrested many of her supporters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 20, 1996]

INDONESIAN SAYS SLOW APPROACH AVOIDS A TRAP

(By Keith B. Richburg)

JAKARTA, INDONESIA, Sept. 19—Police are still hauling in her supporters for questioning. Already more than 100 languish in jail, and dozens others are missing. A member of parliament, she has been left off the list of candidates for next year's parliamentary elections, meaning she may lose her only official platform for challenging the government. Now the police say they will shut down her new headquarters because it violates local zoning laws.

These are trying times for Indonesia's premier opposition leader, Megawati Sukarnoputri. Just a few months after she emerged from virtual obscurity to become the first real rallying point for opposition to President Suharto's 30-year rule, Sukarnoputri finds herself besieged, harassed, called in for questioning like a common criminal, facing the likelihood of being sidelined from her country's tightly controlled political process—and grappling with the mounting impatience of her own supporters.

But even with these pressures weighing on her, Sukarnoputri remains surprisingly sanguine, unhurried, almost eerily serene. She is not out on the streets, not leading rallies, not exhorting her followers. This morning, she is seated at the dining room table of her spacious house in Jakarta's south suburbs, taking a Spanish lesson from her regular tutor.

What has learning Spanish got to do with leading a ''people power'' movement against Asia's longest-serving and most durable leader?

''I think it will be easier for me to communicate with Latin American people,''; Sukarnoputri explains later, after the tutor has left for the day. ''And also Spanish is more important in the United States,'' she adds, citing the increasing Hispanic population there.

Sukarnoputri clearly has her own agenda. And while her backers and sympathizers may be growing frustrated, she is determined to proceed at her own slow and steady pace, careful not to engage the government in direct confrontation and not be goaded by her more radical followers.

''They want me to do something more concrete, like have a rally,'' she said. ''But at the moment, I think that is not a good tactic, because so many people are still intimidated.''

She said the political situation remains tense after a July 27 riot—prompted by a government raid—in which five people were killed and several banks and government offices gutted by fire. The government used the riot as a pretext to launch a widespread crackdown on opposition organizers, labor leaders, human rights activists and anyone else suspected of links to the long-dormant and outlawed Indonesian Communist Party, which tried to foment revolution here three decades ago.

The most serious anti-government outburst in recent memory, the July riot erupted after police backed by army troops raided the old headquarters of the officially sanctioned Indonesian Democratic Party, or PDI, to oust a group of Sukarnoputri supporters who had occupied the building in protest of a government-orchestrated party coup that replaced her as party leader. The government apparently feared that Sukarnoputri, the daughter of Indonesia's charismatic first president, Sukarno, could become a potent challenger to the incumbent Suharto.

Sukarnoputri said today that she did not believe her supporters were involved in the rioting, but that the violence was sparked by government agents who wanted to discredit her movement and use the unrest as the pretext for the wider crackdown that followed.

''It could not have been common people,'' she said. ''It must have been professionals. . . . I think there was some engineering. How could common people burn so many high buildings in such a short time? I think they wanted to make a trigger, a trap, for people who are pro-democracy.''

Sukarnoputri said her go slowly, softly approach—for example, not calling any new street protests and, thus, not defying a government ban on rallies—is to avoid falling into another ''trap.'' She said: ''So many people try to make moves, to push, to push PDI to use violence or hard action. But if we do, they will trap us, just like that riot.''

Some observers here—Western diplomats, journalists, academics—say Sukarnoputri may be correct, that moving too quickly with mass actions will expose more of her supporters to arrest, prison, or worse.

But many also say that with her quiet approach, Sukarnoputri may have let her moment pass, that the momentum and publicity generated by the government's heavy-handed takeover of party headquarters may already be lost.

''I don't think she's in an enviable position,'' a Western diplomat said. ''She can maintain her status as a symbol of opposition, but without doing anything, that fades.''

The other legal challenges and obstacles Sukarnoputri faces may prove even more damaging to her long-term ability to mount a credible challenge to the regime.

On Monday, the day for filing candidate lists for next June's parliamentary elections, the anti-Sukarnoputri faction of the Democratic Party showed up early in the morning at the National Election Commission offices with a list of names that did not include Sukarnoputri or any of her supporters. When a Sukarnoputri deputy came that afternoon with a separate ''Megawati slate,'' election officials refused to accept it.

Sukarnoputri is challenging her ouster as party leader in Indonesian courts, and she said she also will file suit to have her candidates' list accepted. If she is not a candidate next year, she will lose her seat and whatever slim chance she may have had of running against Suharto for the presidency in the next election in two years. (The Indonesian president is not directly elected but voted on by a people's assembly.) Under Indonesia's restricted political system, if Sukarnoputri loses her current parliamentary seat, she will be unable to gather supporters, make speeches or call political rallies.

But Sukarnoputri is undeterred. She said she insists on exhausting all legal remedies first, mainly as a way to test the independence of the country's judiciary. If she is prevented from running for office next year, she said, her exclusion will serve to point out flaws in the electoral process.

''It will be a big problem for the government,'' she said. ''There are already so many people protesting to the government [about] why I, a popular and sympathetic person in the country, am not on the national list. People will see the election is not free and fair.''

But even if she loses, Sukarnoputri disagrees with the analysis that her stature will fade.

In our culture, there is not only a formal leader. There is also an informal leader,'' she said. ''Sometimes the informal leader can be more powerful than the formal leader. You can see how my father, even though he has already passed away, in spirit still lives inside the Indonesian people.''

She added, ''I'm sure about that.''

Mr. FEINGOLD. The climate described in the article clearly is not one that supports freedom of expression, freedom of the press or freedom of association.

The events of July 27 underscore the Government's intention to foster a repressive climate in the months leading up to the 1997 parliamentary elections.

As the New York Times declared in a recent editorial, ''This is no time to be selling high-performance warplanes to Indonesia.''

The administration says its policy is ''to make available to Indonesia military equipment that will support legitimate external defense needs.'' At the same time, the United States will not export or transfer to Indonesia small arms, crowd control equipment or armored personnel carriers until we have seen significant improvement in human rights in the country, particularly in East Timor.

Mr. President, I am pleased that the Congress and the administration have worked together to develop a policy linking the sale of small arms to Indonesia to its human rights record. This policy evolved from an amendment that I offered to the foreign aid appropriations bill several years ago.

But I believe that we are missing an important opportunity to apply pressure to the Indonesian regime by failing to impose comparable conditions on the F–16 sale. In fact, in public statements since congressional notification was delayed, the administration has not even mentioned human rights or democratic values in connection with the sale.

Instead, it continues to state publicly that it intends to go through with the sale as early as January.

I believe official advocacy of the F–16 sale sends the wrong message to the Indonesian military. It sends the message that—despite our concerns about the lack of respect for human rights in East Timor and despite the continued failure of the Indonesian military to respond substantively to these concerns—the United States will continue to supply substantial amounts of lethal military equipment to Indonesia.

If the events of July 27 tell us nothing else, they should signal to us that Indonesia still has a long way to go in terms of respect for human rights and democratic values.

I believe that we should support progress in these areas—only when real progress actually is achieved. Instead, within weeks of a major crackdown by the Indonesian authorities, the administration persists in its plans to provide Indonesia with nine advanced military planes.

I do not think now is the time to be rewarding Indonesia with nine planes. Only when we see some improvement in Indonesia's conduct should we be elevating the level of our military ties to the country.

In sum, I continue to believe that—in Indonesia, as elsewhere—we must consider a military's human rights record as one of the determining factors in deciding whether or not the U.S. Government should license or facilitate a foreign arms sale.

As a result, I oppose the administration's plans to allow the transfer of the F–16's to Indonesia at this time, or in the near future, and I intend to work with a number of other Members of the Senate who share that view to persuade the administration that a change in policy is warranted here.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2121 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

HONORING THE ZOLLER'S ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Bill and Mable Zoller of Billings, MO, who on September 22, 1996 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Bill and Mable's commitment to the principles and values of their marriage deserves to be saluted and recognized.

RETIREMENT OF SENATOR BENNETT JOHNSTON

Mr. CONRAD. Mr. President, with the scheduled adjournment of the 104th Congress quickly approaching, I wanted to say a few words about a very accomplished legislator who, unfortunately, will not be returning to this body next January: Senator BENNETT JOHNSTON.

I was saddened to hear of his decision to retire at the conclusion of this Congress, and I know he will be missed by his colleagues as well as his constituents in Louisiana. Senator JOHNSTON does not depart, however, without leaving a significant legacy of accomplishment. He is a skilled negotiator, and has demonstrated a tremendous ability to navigate the tumultuous legislative waters, even when faced with the most difficult obstacles.

I had the privilege of working closely with Senator JOHNSTON while I served on the Energy and Natural Resources Committee with him during my first term as a Senator. As chairman of the Energy Committee, and now ranking member, Senator JOHNSTON has been a leading advocate of a comprehensive national energy strategy. Under his leadership, Congress passed the landmark 1992 Energy Policy Act, which promoted increased conservation, increased competition in the wholesale electricity markets, and encouraged additional development of domestic sources of energy. With this country now importing more than 50 percent of the oil we consume every year, Senator JOHNSTON has been fully committed to developing new domestic sources of energy to help reduce our dependence on foreign oil.

Senator JOHNSTON has also addressed a myriad of other energy-related issues during his distinguished Senate career. He shepherded deregulation of the natural gas industry through the Congress; he helped defeat the ill-conceived Btu tax; and he has been a leading advocate of maintaining our Strategic Petroleum Reserve, an important investment in protecting our Nation's energy supply from disruption.

Senator JOHNSTON's work in the Senate has not been limited to energy issues. I have also had the privilege of serving with the Senator on the Budget Committee, where he has served with great distinction. As the past chairman, and now ranking member, of the Energy and Water Development Appropriations Subcommittee, Senator JOHNSTON has demonstrated a strong commitment to developing and maintaining our Nation's water resources, an issue of great importance to Western States like North Dakota. Senator JOHNSTON has also been a leading advocate of maintaining an adequate B–52 bomber fleet, our most cost-effective, reliable, and only battle-tested bomber.

Mr. President, Senator JOHNSTON will be long-remembered as an extremely capable and responsible public servant, who addressed issues with a zeal few can bring to this body. All in public life owe Senator JOHNSTON a debt of gratitude for his tremendous contributions, and I wish the senior Senator from Louisiana all the best in his future endeavors, no matter what path he chooses to follow upon departing this body.

HONORING WALTER DROSKIE

Mr. PRYOR. Mr. President, last Wednesday night, as I looked around the Russell Caucus Room at the many wonderful people that have served on my staff these past 18 years, I was filled with pride. I will always remember the loyalty and hard work of my staff—the greatest in the Senate. Today I would like to honor one such staffer, Walter Edwin Droskie.

Walter Droskie is retiring at the end of the 104th Congress after 35 years as a Senate employee, serving 6 senators over the years. In 1962, Senator Patrick McNamara from Michigan, was the

first senator to realize Walter s potential. Hired as a data entry operator, Walter started off on his long journey of service to his home State of Michigan and eventually the States of Texas and Arkansas. In 1966, Walter continued working for the State of Michigan by joining the staff of Senator Robert Griffin and spent 13 years there. By now Walter was developing a reputation for his expertise as mailroom manager. In 1979 Senator John Tower from Texas heard about Walter and offered him his next job. He continued this pattern of invaluable service to the State of Texas by going to work for Senator Lloyd Bentsen in 1984. When Bob Krueger filled Lloyd Bentsen's seat in 1992, Walter was wisely kept on staff.

In 1993, I was fortunate enough to finally get Walter Droskie on my staff. We had been hoping to catch him between Senators for a long time—he was always in demand. Walter has brought so much to my office. The mailroom has never run smoother, and Walter's wonderful disposition has won him the friendship of everyone on my staff—past and present. As he retires this year, I hope Walter Droskie realizes how much he has contributed not only to my office, but all the offices he has worked for during these past 35 years. His dedication and tireless hard work have won him the respect and gratitude of all he has known. I wish him the best during his retirement. The U.S. Senate will surely miss the many contributions of this fine man.

COMMENDING CHARLES N. QUIGLEY

Mrs. BOXER. Mr. President, I am proud to recognize Charles N. Quigley, who participated in CIVITAS at Bosnia-Herzegovina, an intensive program from July 17–27, 1996, to train local teachers in education for democracy. Mr. Quigley was part of a team of 18 American educators and 15 teachers from the Council of Europe who were assigned to key cities throughout the Federation of Bosnia-Herzegovina.

The summer training program was developed by the Center for Civic Education as part of a major education initiative in Bosnia-Herzegovina supported by the United States Information Agency and the United States Department of Education. The goals of the program are to help prepare students and their communities to participate in elections and other aspects of poltical life in emerging democracies. Achieving this goal will contribute to the reconstitution of a sense of community, cooperation, tolerance, and support for democracy and human rights in war torn areas.

I am also pleased to announce that the curricular materials used for the program in Bosnia-Herzegovina have been adapted from the ''We the People . . . the Citizen and the Constitution'' and the ''We the People . . . Project Citizen'' programs, as well as other programs supported by the Congress which are used in schools throughout the United States. Initial reports evaluating the summer program indicate the materials and teaching methods were enthusiastically received and can be adapted for use in classrooms throughout Bosnia-Herzegovina.

Mr. Quigley is the executive director of the Center for Civic Education which is located in Calabasas, CA. Mr. Quigley has traveled on four different occasions to Bosnia-Herzegovina to promote education for democracy efforts in the schools of that country.

Mr. President, I wish to commend Charles Quigley for his dedication and commitment during the CIVITAS at Bosnia-Herzegovina summer training program. His work is helping to achieve the overall objective of building support for democracy on Bosnia-Herzegovina.

TRIBUTE TO SENATOR PAUL SIMON

Mr. CONRAD. Mr. President, before the end of the 104th Congress, I wanted to take a moment to pay tribute to Senator PAUL SIMON of Illinois, who is retiring this year. PAUL SIMON is quite simply one of the most respected and honorable Members of the U.S. Senate.

Senator SIMON has been a dedicated public servant for more than 40 years. He has served in the Illinois House and Senate, as Lieutenant Governor of the State of Illinois, and in the U.S. House and Senate.

Even as he tirelessly served in public office, PAUL SIMON also found ways to pursue his second career—that of a distinguished and thoughtful writer. A former newspaperman, SIMON has written numerous books on our political process and democratic values. He still types his manuscripts out on an old manual typewriter.

Senator SIMON's top legislative priority for years has been passage of a balanced budget amendment to the Constitution. PAUL SIMON understands that the greatest threat to future generations is the Federal budget deficit and our enormous national debt. Eliminating our budget deficit is the most important thing we can do for our Nation and PAUL SIMON pursued this goal with steadfast tenacity.

I have had the privilege of serving with Senator SIMON on the Budget Committee since 1987. PAUL SIMON will be most remembered there for his efforts to restore equity between defense and nondefense spending. Senator SIMON and I also joined together last year in offering an alternative budget reconciliation measure. I was proud of that effort.

PAUL SIMON will also be remembered as a staunch supporter of education and an advocate for people with disabilities. While serving in the Illinois Legislature, he was among the first to introduce legislation to provide public education for children with disabilities. Years later he was one of the original sponsors of Public Law 94–142, the first Federal law to ensure that all children with disabilities would receive free and appropriate public education. This landmark legislation was signed in 1975.

Because of SIMON's devotion and perseverance, Congress passed the National Literacy Act, to create literacy centers and to authorize funding for adult education and literacy programs. SIMON also championed the direct college loan program, originally passed in 1991 and expanded in 1993, which made fundamental changes in our Nation's student loan program.

Although some may remember SIMON for his bowties, I will always remember his simple honesty, integrity, and character. PAUL SIMON not only remembered the bipartisanship and comity that used to be standard operating procedure in the Senate, but he continued to serve in that tradition, even as Congress changed around him.

I know Senator SIMON will be happy to return to his home in southern Illinois. He'll be heading up the Simon Public Policy Institute at southern Illinois University at Carbondale. He'll have more time for his grandchildren, more time to write. But he'll be missed in the U.S. Senate, by the people he represented and by those who knew him.

CUTTING TAXES AND BALANCING THE BUDGET—THE POSSIBLE DREAM

Mr. ABRAHAM. Mr. President, as the Presidential campaign heats up, it is clear that a central issue will be economic growth. Despite recent positive economic news, the long-term outlook is not good. Growth is slow and family incomes are down. At the same time, the tax burden on Americans is at an all-time high, squeezing families while discouraging savings and investment.

In response to this disturbing trend, Bob Dole has proposed an aggressive plan to both cut taxes and balance the budget by the year 2002. The goal of the plan is to spur economic growth by reducing both the size and tax burden of the Federal Government. Its centerpiece is a 15-percent, across-the-board income-tax cut designed to lower taxes on families and small businesses while spurring job creation and investment. The Dole plan would also provide families with a $500 per child tax credit, improved IRA's, and lower taxes on capital gains. For a typical family earning $30,000, his plan would allow them to keep an additional $1,261 per year, enough to pay tuition to a private school, move into a better neighborhood, or save for an early retirement.

People like the idea of a tax cut, but they wonder how it can be done without increasing the Federal budget deficit or gutting essential Federal programs. In a recent radio address, President Clinton sounded that theme, attacking Bob Dole's plan by arguing that the tax cut is too big and asserting that Dole has failed to explain how

we can pass them without ballooning the deficit. Neither claim is accurate.

First, Bob Dole's tax cuts are an appropriate and necessary response to the record tax burdens American families currently face. Following President Clinton's World's Largest Tax Increase of 1993, the Federal tax burden has risen to 20.5 percent of GDP—its second highest level ever. Meanwhile, the combination of Federal, State, and local taxes now consumes more than 38 cents out of every dollar the family earns.

The Dole tax cut would help relieve this burden by reducing taxes across the board while targeting additional tax relief toward families with children. Fully implemented, the Dole tax cut would reduce the tax burden back to where it was before Bill Clinton began raising taxes in 1993. That's hardly an excessive goal.

The second objection to Bob Dole's tax cut proposal is that it will cause the deficit to balloon. That is the issue upon which I want to focus today. Far from being vague and irresponsible, the Dole tax cuts are in fact both detailed and well within the ability of Congress to carry out.

Under the Dole plan, cutting taxes on families and small businesses would reduce Federal revenues by $548 billion over the next 6 years. How does the Dole plan offset these cuts while balancing the budget? First, it slows the growth of the Federal Government over the next 6 years. Second, it encourages economic growth to help offset a portion of these tax cuts.

Let me begin with slowing the growth of Government. The Dole plan builds upon the comprehensive balanced budget resolution Congress adopted in June. That resolution calls for reducing the growth of spending by $393 billion over the next 6 years, including the phase-out of farm support payments, welfare overhaul, and Federal prison reform.

On top of the balanced budget resolution, the Dole plan proposes savings of an additional $217 billion over 6 years, targeting wasteful programs like the departments of Commerce and Energy and reducing Government overhead.

Mr. President, there has been much criticism and misinformation regarding these proposed savings. I have seen reports from several outside groups, both conservative and liberal, who claim these savings would literally gut whole portions of the Federal Government. This is completely false.

First of all, in the spending restraints assumed in the Dole plan beyond those contained in the balanced budget resolution, Bob Dole has made it clear that they will not come from reductions to Social Security, Medicare, or Defense. Those programs are off-limits. Under the Dole plan, Medicare spending would increase by 44 percent between 1996 and 2002—a 6.2 percent growth rate, or more than two times the rate of inflation. Spending would increase from $5,200 per beneficiary in 1996 to $7,000 in 2002.

Subtracting Social Security, Medicare, Defense, and interest expenses from total Federal spending over the next 6 years leaves $3.9 trillion eligible for savings under the Dole plan. Contrary to those groups that have portrayed this proposal as unreasonable, the Dole plan proposes to reduce this amount by just 5 percent—5 cents on the dollar.

Let's look at it on a year-by-year basis. Projected Federal spending next year is $1642 billion—or $70 billion more than we expect to spend this year. Under the Dole plan, Government spending would continue to grow, but by $37 billion instead.

Let's compare the Dole plan to President Clinton's own recommendation. Whereas President Clinton would allow Government spending to grow by 20 percent over the next 6 years, the Dole plan would hold spending growth to 14 percent—or about 2 percent per year. In other words, limiting spending growth to 2 percent per year will produce the savings necessary to cut taxes and balance the budget.

Is holding the growth of Government spending to 2 percent per year reasonable? Absolutely.

Under Republican leadership—and with no help from congressional Democrats or President Clinton—Congress has successfully reduced the growth of Federal spending over the last 2 years by $53 billion, or about $26 billion per year. Moreover, just this summer, we enacted a comprehensive welfare reform measure. In other words Mr. President, in response to those who claim the Dole economic plan's spending savings are too severe, I would point out that we have already succeeded in reducing the growth of Government by similar amounts. The Earth didn't stop rotating. The Sun hasn't stopped shining. And in the process, we have made the Government more efficient and more responsive to the wishes of the American voters.

In addition to slowing the growth of government, the Dole plan also assumes that his pro-growth tax cuts will produce enough extra economic activity to offset 27 percent of their cost—$147 billion over 6 years. And just as we have seen with the budget savings, this assumption has been the focus of numerous criticisms from various groups. Mr. President, contrary to what some have said, assuming additional revenues from economic growth—or revenue feedback as it is called—has a long and credible history on both sides of the political aisle.

In 1982, the Congressional Budget Office found that ''between roughly one-tenth and two-tenths of the static revenue loss'' from an across the board tax cut would be recouped through revenue feedback during the first year. In later years, the CBO estimated that between one-third and one-half would be recouped in later years.

More recently, Clinton's Trade Representative Mickey Kantor told the House Ways and Means Committee that reductions in American tariffs would more than pay for themselves through increased exports and jobs.

And just this summer, Lawrence Chimerine, chief economist for the liberal Economic Strategy Institute argued in the Washington Post that ''credible evidence overwhelmingly indicates that revenue feedback from tax cuts'' could be as high as 35 percent.

For those who are unimpressed with the estimates of economists and accountants, let me give two examples of how this feedback effect puts real dollars in the pockets of both American families and Uncle Sam. In 1981, the tax burden was at a similar record high as it is today. In response, newly elected President Ronald Reagan cut tax rates across the board by 25 percent. Mr Reagan could have cut taxes in any number of ways, but he chose reducing marginal rates because he understood—as does Bob Dole—that cutting marginal rates encourages people to work harder, save more, and invest in economic growth and job creation.

The Reagan tax cut worked. In 1984, real GDP growth reached 6.8 percent—the highest single year growth since 1951. In President Reagan's second term, growth averaged 3.4 percent per year—well above the anemic 2.5 percent growth we have seen under President Clinton.

How did these tax cuts affect families. In addition to lowering their overall tax burden, the tax cuts of 1981 helped save family incomes from declining, as they had under President Carter. Instead, median family incomes grew 1.7 percent per year under Reagan, putting an additional $4,000 in the typical families pockets every year.

Mr. Reagan was not the only President to recognize the growth potential of reducing marginal tax rates. In 1962, John Kennedy was also adamant about cutting marginal tax rates. When he announced his tax cut plan in 1962, he explained his thinking with the following words: ''I am not talking about a 'quickie' or a temporary tax cut, which would be more appropriate if a recession were imminent. . . . I am talking about the accumulated evidence of the last 5 years that our present tax system, developed as it was, during World War II to restrain growth, exerts too heavy a drag on growth in peacetime; that it reduces the financial incentives for personal effort, investment, and risk-taking.''

The Kennedy tax rate cut proved to be one for the greatest economic successes of the postwar era. Real GDP growth jumped to 5.8 percent in 1964 and to 6.4 percent in 1965 and 1966. Today, the media calls growth rates half that size a surge.

Clearly there is a consensus that a tax cut like Bob Dole's will partially pay for itself through income revenue growth. As Nobel laureate Professor

Gary Becker put it, the revenue feedback effect is ''basically Econ. 101. Investors and workers in the economy respond in an important way to incentives, including tax incentives.'' Becker then points out that, if the Dole plan increases GDP growth from its current 2.3 to 3.5 percent over 6 years, the income growth effect will be ''far in excess of $147 billion. It would be more like $200 billion.''

Mr. President, I have a list of over 100 prominent economists, including four Nobel Laureates, who share Dr. Becker's support of cutting taxes and balancing the budget. These economists are from all over the country, but they have one thing in common—faith in the American family and the ability of the American economy to grow faster than 2 percent per year. By cutting marginal tax rates and allowing families to keep more of what they earn—so they can spend it on their priorities rather than Congresses—the Dole plan will help the economy grow faster, resulting in more jobs, more opportunity, and a higher standard of living for everyone.

How do we offset the tax cuts? We restrain the growth of Government. By limiting the future growth of Federal spending to 2 percent per year, we can reduce income tax rates by 15 percent for every taxpayer, provide a $500 per child tax credit for middle-class families, and cut the capital gains tax rate in half—all while balancing the budget in 2002. The Dole plan is the possible dream that will result in a smaller, more efficient Government that allows families to keep more of what they earn, so they can spend it on their priorities rather than Washington's.

Mr. President, I ask unanimous consent that the list of economists be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATEMENT IN SUPPORT OF BOB DOLE'S PLAN FOR ECONOMIC GROWTH

''This is an excellent economic program.''—Milton Friedman, Nobel Laureate.

''The Dole Economic Growth Plan is much superior to the Clinton do-nothing alternative.''—James M. Buchanan, Nobel Laureate.

''Senator Dole's plan . . . can raise the growth rate of the economy to well over 3 percent per year.''—Gary Becker, Nobel Laureate.

''The Dole-Kemp program makes real economic sense at this time.''—Merton H. Miller, Nobel Laureate.

Slow economic growth is America's number one economic problem. Bob Dole's plan for Economic Growth, ''Restoring the American Dream,'' is a bold, doable plan that addresses this problem. By lowering marginal income tax rates and reducing disincentives to save and invest—first steps to a fundamentally lower, flatter, simpler and more savings-encouraging tax system, balancing the budget through a reduction in the growth of government spending, reforming our education and job training system, and cutting back government regulation and eliminating litigation excesses,

the plan will significantly increase economic growth, raise real wages, and provide greater opportunities for all Americans.

The numbers in Bob Dole's year-by-year strategy to both reduce taxes and balance the budget are credible, including: the baseline revenue projections; the income growth effect, a simple implication of elementary economics through which the economic growth plan changes incentives, raises taxable income, and thereby offsets part of the revenue loss of the tax cuts as described by the plan; the planned budgetary savings achieved by reducing the growth of government spending.

Bob Dole's plan is far superior to the approach of the Clinton Administration, during which productivity growth has slowed to a historic low and real wages have stagnated.

Signed,

Annelise Anderson, Hoover Institution; Martin Anderson, Hoover Institution; Wayne Angell, Bear Stearns, Fmr Governor of Federal Reserve Board.

Bruce Bartlett, National Center for Policy Analysis; Ben Bernanke, Princeton University; Michael Boskin, Stanford University, Fmr Chair, Council of Econ Advisers; David Bradford, Princeton University; Stuart Butler, Heritage Foundation; Richard C.K. Burdekin, Claremont McKenna College.

Phillip D. Cagan, Columbia University; W. Glenn Campbell, Hoover Institution; John Cogan, Hoover Institution.

Carl Dahlman, Rand Corporation; Michael Darby, University of California at Los Angeles; Christopher DeMuh, American Enterprise Institute; Rimmer de Bries, J.P. Morgan; Thomas DiLorenzo, Loyola College in Maryland.

Martin Eichenbaum, Northwestern University; Stephen Entin, Former Deputy Assistant, Secretary of Treasury; Paul Evans, Ohio State University.

David Fand, George Mason University; Martin Feldstein, Harvard University, Former Chair, Council Econ Advisers; Diana Furchtgott-Roth, American Enterprise Institute.

Lowell Gallaway, Ohio University; Robert Genetski, Chicago Capital, Inc. John Goodman, National Center for Policy Analysts; Wendy Lee Gramm, Former Chair of the Commodity, Futures Trading Commission.

Robert Hahn, American Enterprise Institute; C. Lowell Harriss, Columbia University; H. Robert Heller, Fair, Isaac and Co., Fmr. Governor of Federal Reserve Board; David Henderson, Naval Post-Graduate School; Jack Hirshleifer, University of California at Los Angeles; Lee Hoskins, Huntington Nat. Bank, Fmr. President of the Federal Reserve, Cleveland; R. Glenn Hubbard, Columbia University; Lawrence Hunter, Empower America.

Manual H. Johnson, Johnson-Smick International, Fmr. Vice Chair of the Federal Reserve.

Raymond Keating, Small Business Survival Committee; Robert Keleher, Johnson-Smick International; Michael Keran, Sea Bridge Capital Management; Robert G. King, University of Virginia; Michael M. Knetter, Dartmouth College; Melvyn B. Krauss, New York University; Anne Krueger, Stanford University.

Lawrence Lau, Stanford University; Edward Leazar, Stanford University; James R. Lothian, Fordham University; Mickey D. Levy, NationsBanc Capital Markets.

Paul MacAvoy, Yale University; John Makin, American Enterprise Institute; Burton Malkiel, Princeton University; David Malpass, Bear Stearns; N. Gregory Mankiw, Harvard University; Dee T. Martin, Eastern New Mexico University; Bennett McCallum, Carnegie-Mellon University; Paul McCracken, University of Michigan, Fmr. Vice Chair, Council Econ Advisers; David Meiselman, Virginia Polytechnic Institute; Allan Meltzner, Carnegie-Mellon University; Michael Melvin, Arizona State University; Daniel J. Mitchell, Heritage Foundation; Thomas G. Moore, Hoover Institute; David Mullins, Long-Term Capital Management, Fmr. Vice Chair, Federal Reserve.

Charles Nelson, University of Washington; Charles Plosser, University of Rochester; Steve Pejovich, Texas A&M University; William Poole, Brown University.

Richard Rahn, Novecorr; John Raisan, Hoover Institute; Ralph Reiland, Robert Morris College; Alan Reynolds, Hudson Institute; Morgan O. Reynolds, Texas A&M University; Rita Ricardo-Campbell, Hoover Institute; Richard Roll, University of California at Los Angeles; Robert Rosanna, Wayne State University; Harvey Rosen, Princeton University; Sherwin Rosen, University of Chicago; Timothy Roth, University of Texas at El Paso.

Thomas Saving, University Texas at A&M University; Anna J. Schwartz, National Bureau of Economic Research; John J. Seater, North Carolina State University; Judy Shelton, Empower America; Myron Scholes, Long-term Capital Management; George Schultz, Fmr. Secretary of State, Treasury and Labor, Former Director of OMB; John Silvia, Zurich Kemper Investments; Clifford Smith, University Rochester; Vernon L. Smith, University of Rochester; Ezra Solomon, Stanford University; Beryl W. Sprinkel, Fmr. Chair, Council Economic Advisors; Alan Stockman, University of Rochester; Richard Stroup, Montana University; W.C. Stubblebine, Claremont McKenna College; James Sweeney, Stanford University.

John B. Taylor, Stanford University; Robert Tollison, George Mason University; Gordon Tullock, University of Arizona; Norman Ture, Inst. for Research on Economics and Taxation.

Ronald Utt, Heritage Foundation.

Richard Vedder, Ohio University; Karen Vaughn, George Mason University; J. Antonio Villanio, The Washington Economics Group.

W. Allen Wallis, University of Rochester; Murray Weidenbaum, Fmr. Chair, Council of Econ. Advisers; Charles Wolf, Rand Graduate School.

SENATOR CLAIBORNE PELL

Mr. CONRAD. Mr. President, with the adjournment of the 104th Congress, the Senate will lose one of its most respected and accomplished members, Senator CLAIBORNE PELL.

For a period that spans more than three decades, Senator PELL has served Rhode Islanders and the Nation in the finest tradition of our elected civil servants. His accomplishments since coming to the Senate in 1961 are extraordinary; particularly in the areas of the arts and humanities, environmental protection, foreign affairs, human rights, and education. He has without question touched and improved the lives of every American family.

Early in his Senate career, Senator PELL was the principal architect of the 1965 law establishing the National Endowment for the Arts and the National Endowment for the Humanities. One year later, he authored the National Sea Grant College Act, legislation to encourage the careful use of our resources from the sea, and to establish marine sciences programs at universities across the country.

Unquestionably, Senator PELL's most significant contribution in education has been his effort to ensure that every student has the opportunity to pursue education and training beyond the high school level—financial barriers should not prevent a student from continuing education. In pursuit of this goal, Senator PELL introduced legislation to establish the Basic Educational Opportunity Grant, a program later named the PELL Grant Program in 1980. Last year alone, more than 3.6 million Pell grants were awarded to students attending institutions of higher education. Since 1973, when the first Pell Grants were awarded, more than 60 million grants have enabled students to meet their educational goals through this student financial assistance program.

Mr. President, Senator PELL's remarkable record in the Senate has not been limited to education and the arts. Over the years, and through his leadership in foreign affairs as chairman of the Senate Foreign Relations Committee, Senator PELL has worked tirelessly on behalf of refugees, against human rights abuses, and to reduce the threats from weapons of mass destruction. As a result of these efforts, treaties have been ratified that reduce nuclear weapons, prohibit the emplacement of weapons of mass destruction on the seabed, and the use of environmental modification techniques as weapons of war.

Mr. President, Senator PELL's legacy is one of hope, opportunity, and integrity. For those of us who remain in the Senate, we are challenged to continue his important work on behalf of peace, and to ensure that our children can realize their fullest potential through the widest possible educational opportunities. We have all been enriched by Senator PELL's service in the Senate, and are deeply grateful for his immeasurable contributions to the Nation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 24, the Federal debt stood at $5,195,854,879,174.22.

Five years ago, September 24, 1991, the Federal debt stood at $3,629,138,000,000.

Ten years ago, September 24, 1986, the Federal debt stood at $2,107,495,000,000.

Fifteen years ago, September 24, 1981, the Federal debt stood at $979,131,000,000.

Twenty-five years ago, September 24, 1971, the Federal debt stood at $415,688,000,000. This reflects an increase of more than $4 trillion ($4,780,166,879,174.22) during the 25 years from 1971 to 1996.

REPORT BY SENATOR PELL

Mr. THOMAS. Mr President, over the weekend I had the opportunity to read a report to the Foreign Relations Committee prepared by the distinguished ranking minority member of the Committee, Senator CLAIBORNE PELL.

The report, entitled ''Democracy: An Emerging Asian Value,'' details the Senator from Rhode Island's recent trip to Asia. I was very interested in the report because the countries Senator PELL visited—Taiwan, Vietnam, and Indonesia—fall within the jurisdiction of the subcommittee I chair, the Subcommittee on East Asian and Pacific Affairs. In fact, all three have been of special interest to me and have been the subject of several hearings in the subcommittee.

I found the distinguished Senator's observations about this dynamic region to be particularly cogent, and believe that our colleagues—and the public at large—would benefit from having those observations accessible to them in the RECORD. However, since the report is somewhat lengthy in terms of it being reproduced in the RECORD, I am going to treat one country at a time; today, Mr. President, I would direct the Senate's atttention to the portion of the report on Indonesia.

So, Mr. President, I ask unanimous consent that pages 9 to 17 of S. Prt. 104–45, the section on Indonesia, be printed in the RECORD at the conclusion of my remarks.

PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THOMAS. In closing, I must say that it has been a unique pleasure and honor to serve on the committee with its former Chairman, Senator PELL. I appreciate his views and opinions, as well as his frequent participation in the work of my subcommittee. His departure from the Senate is a loss both to the committee and to the whole institution; he will be missed.

EXCERPT FROM SENATE PRINT 104–45

INDONESIA

A. INTRODUCTION

Indonesia is a vast, dynamic and complicated country. It has the fourth largest population in the world and the largest Muslim population in the world; yet it remains strongly secular. The government is an authoritarian one, led and dominated by President Soeharto, a small number of his advisors and the military. There is no apparent successor to Soeharto and no tested process in place for a transition of power. The economy is increasingly open and deregulated, but subject to widespread corruption and influence peddling.

There are a number of issues of interest to the United States in Indonesia. Indonesia has had an impressive economic development and an impressive increase in the average life expectancy. There is a developing middle class. The government has developed and implemented a model population control program. The focus of my trip, however, was a visit to East Timor. When I was in Indonesia in 1992, President Soeharto refused my request to visit East Timor because it was not convenient at that time. I appreciate his willingness to allow me to visit during this trip.

It is important to note that there are other human rights problems in Indonesia aside from those in East Timor. Many independent human rights observer groups criticize government policies in Ache and Irian Jaya. Issues such as freedom of the press, freedom of speech, the right to form political parties and the development of the rule of law are all of substantial concern in Indonesia today.

In response to a request by the UN, Indonesia establishes a National Commission on Human Rights to investigate human rights issues country-wide. I met with several representatives from the Commission in Jakarta and was impressed with their dedication to improving the lives of ordinary Indonesians. Their investigations are hampered, however, by a lack of funding and staff. Still, they seem to be operating truly independent of the government and I commend their efforts.

That our delegation did not focus on human rights issues outside of East Timor does not mean they are unimportant or that they are unworthy of international attention. The broader spectrum of human rights concerns will likely continue to be an issue for U.S.-Indonesian relations for the foreseeable future. Time limitations of our trip caused us to focus our scrutiny primarily on East Timor.

B. EAST TIMOR

In December 1975, Indonesia invaded East Timor, a former Portuguese colony, during a period of great political upheaval in Lisbon, which meant that Portugal was in no position to resist. The Indonesian military has committed widespread and well-documented human rights abuses in the 20 years since the invasion. The number of East Timorese who have died from violence, abuse or starvation in these 21 years will probably never be known, but there are credible estimates that they could number as many as 200,000. A particularly egregious incident took place on November 12, 1991, when the Indonesian military shot and killed over 200 people (by most credible estimates, although the actual total will likely never be known), during a peaceful demonstration. By all accounts, the protesters were unarmed. This became known alternatively as the Dili or Santa Cruz Massacre. While no events on this scale have been reported since then, widespread reports of abuse continue, including arbitrary arrest, torture, disappearances and killings. I heard several credible reports of these types of abuses while I was there.

Since I have been back in the U.S., there has been yet another conflict between Indonesian troops and East Timorese youth. The most recent disturbance took place in Baucau, a small city on the northern coast, to the east of Dili. Early news reports indicated that Catholic East Timorese had taken to the streets to protest reports that Muslim Indonesians had torn a picture of the Virgin Mary. The U.S. State Department reported that roughly 80 were arrested and that the International Committee of the Red Cross (ICRC) had been given access to all of them. There were additional press reports quoting East Timorese leaders saying that some of those arrested had been mistreated.

Indonesia and Portugal have not had diplomatic relations since the takeover. Since 1992, the foreign ministers of each country have held talks under the auspices of the UN Secretary General on East Timor, but these talks have produced little. I met with Indonesian Foreign Minister Ali Alatas in Jakarta and was particularly pleased to hear him speak highly of Portugal's relatively-new Foreign Minister Jaime Gama. For my part I attended the inauguration of Portugal's new President, Jorge Sampaio, in April and was struck by the new Government's interest in seeking some accommodation with the Indonesians.

Alatas felt that Gama showed a new willingness to listen to Indonesia's views, in contrast to his predecessor. I, too, am impressed

with Gama and know his personal sense that the issue of East Timor should be resolved. Alatas told me that they could work toward a solution that would satisfy both countries and the international community as long as both sides were ''realistic'' in their position.

Sadly, Alatas did not mention the need to satisfy the wishes of the people of East Timor, although, when I raised it, he agreed it was important. I encourage continued talks between Portugal and Indonesia and welcome positive movements toward a solution. But I believe that any solution which does not make the desires of the East Timorese as a paramount concern will ultimately fail.

One of the most obvious issues for most East Timorese is the strong presence of Indonesian military (ABRI) troops stationed there. Government officials in East Timor, including Governor Abilio Soares and Colonel Mahidin Simbolon, the military commander, told me that Indonesia stations in East Timor 15,403 troops (including police who, in Indonesia, are a branch of the military). Government officials in East Timor and in Jakarta said that there were two primary reasons why such a force was needed in East Timor.

First, they are said to be required to keep the peace threatened by rebels, known as FRETILIN, of whom, according to Colonel Simbolon, there are 188, armed with 88 weapons.

Second, the military force is needed to perform public works projects such as building bridges, roads and houses. The military commander told me that not only were ABRI troops the only ones willing to go into remote villages to do such work, but that when the government did pull some troops last year, local leaders and villagers protested. He argued that it was much less expensive to have military troops do these projects than to have civilians do then.

I should note that East Timorese not in the government strongly and repeatedly disputed the claims that only the military can perform these tasks and that locals would protest the removal of troops.

The vast majority of these ABRI troops are not East Timorese. When asked why so few East Timorese held high level positions in the military, Colonel Simbolon argued that not enough East Timorese had gone through the military academy. He told us only eleven East Timorese had graduated from Indonesia's military academy and, of those eleven, one is a first lieutenant and two are second lieutenants. These are the highest-ranking East Timorese officers in ABRI. On the police side, the highest-ranking East Timorese is a Major, who is a traffic chief. Again, Simbolon made the argument that the East Timorese were not qualified enough.

The presence of this armed, uniformed, non-Timorese force in East Timor causes immense friction and conflict. The East Timorese are ethnically different in culture and appearance from other Indonesian ethnic groups. I was repeatedly told that Indonesian military and police routinely treat the East Timorese with disdain and even contempt. Simply put, the people of East Timor feel they are subjected by a foreign army of occupation.

I firmly believe that a tremendous amount of the tension and conflict which exists in East Timor could be relieved if Indonesia were to slash its troop levels there and turn over authority at all levels to East Timorese citizens. Governor Soares and Colonel Simbolon agreed that this could help the situation, but offered no ideas on how such a change could come about.

Governor Soares and Armindo Mariano, head of the Golkar Party in East Timor, are both East Timorese and both stressed in our meetings that they were working to improve the ''Timorization'' of the local government. Mariano has been a participant in the All-Timorese dialogue, a forum sponsored by the UN Secretary General for East Timor—current residents and those in exile—to explore practical measures to improve the situation there. It is not a forum for discussing East Timor's political status.

Both Soares and Mariano are firm in their conviction that East Timor will develop and prosper only as a part of Indonesia. When asked how many East Timorese supported integration with Indonesia, both said the majority did.

But East Timorese who are not a part of the government and other observers living in East Timor quickly and insistently contradict this. When asked how a plebiscite on the issue of independence versus integration would turn out, I was told that over 90% of the people would choose independence and that number would include some who formerly supported integration.

The personification of East Timorese resistance to Indonesia's occupation of the territory is Commander Xanana Gusmao, who, at the time he was captured in 1992, was the leader of the armed resistance. He remains the titular head of the East Timor-based National Council of Maubere Resistance (CNRM), which he founded in 1988 to unify East Timor's various political and armed resistance groups.

Since his arrest and trial he has been imprisoned in Jakarta where, he is visited regularly by the ICRC and by all accounts is treated in accordance with international norms. Xanana, as he is commonly known, has attained a status for East Timorese similar to that which Nelson Mandela had for black South Africans while he was in prison.

I was eager to meet with him while I was in Jakarta both to get to know a person who has such a reputation in East Timor and to learn his current thinking on the possibilities for a political settlement of the East Timor situation.

Through I made a request of the Indonesian government for permission to visit Xanana before I left the U.S. and repeated the request in each of the meetings I had in Jakarta, I did not receive permission to see him.

From East Timor I wrote him a letter inquiring about the conditions of his imprisonment and his views on East Timor's future. (A copy is printed at the conclusion of this report.) I then request the letter be delivered to him, but that request was refused. The Indonesian Correctional Authorities deemed my message to Xanana ''political'' and therefore prohibited.

Whenever the possible independence of East Timor is discussed, talk quickly turns to its potential economic viability. The territory has few natural resources, but advocates of independence point out that many independent Pacific island nations also have few or no resources. One person questioned what economic independence meant in an era of increasing international economic interdependence.

Florentino Sarmento, the head of East Timor's largest non-governmental organization, Etadep, and a delegate to the All-Timorese dialogue, acknowledged that going it alone would be difficult, but was convinced that a solution could be found especially with consultation with political leaders abroad.

In regard to natural resources, East Timor's most valuable crop is coffee. I was able to visit a coffee cooperative started last year and funded by USAID. The cooperative, carried out by the National Cooperative Business Association, started with only 700 farming families and $7 million in USAID seed money. It now boasts 6,700 families and expects to turn a profit as early as the end of this year. Project director Sam Filiaci stressed he is not there for charity; he is developing a money-making organization that will provide lasting economic advantage to all involved, and especially to East Timorese coffee growers.

On the day I visited one of their processing plants in a remote mountain location, farmers from miles around gathered. Proud of their skill and of their new facilities, these people also told stories of harassment by the military and police (who turned out in a large force for my visit) and of insistent pressure on the farmers to move out of the mountains and down to the more populous areas on the coast.

C. THE CHURCH'S VIEW

East Timor is an overwhelmingly Catholic entity. More than 90% of the population is Catholic and the Church occupies a critical role in the lives of its citizens. The Church also plays a large role in the communication between East Timorese and those in the United States who are interested in the fate of this land. A number of Portuguese priests previously stationed in East Timor, along with a number of Timorese priests, now live in the U.S.

I had hoped to meet with the Bishop of East Timor, Msgr. Carlos Filipe Ximenes Belo. Bishop Belo is widely admired for his forthright objections to Indonesian human rights abuses and is a vital leader of his people. Regrettably, he was away from East Timor during my visit, through we were able to talk by phone.

I was able to meet with eleven priests from a variety of East Timorese parishes in what was by far the most fruitful and dramatic meeting of my trip. Sitting in a large room with open windows, using a microphone to be heard and taping the conversation, these priests gradually and fearlessly opened up to me and told me what they had seen and heard in their parishes over the last 20 years.

They spoke of military harassment of the Church that varies from obstructing their ability to meet with their parishioners to trying to create mistrust among the people of the Church. One priest told me ABRI tries to reinterpret his interest in the welfare of his parishioners as political opposition to Indonesia and integration. No one at the meeting had ever been arrested by the Indonesian authorities, but several had been detained and interrogated by them, for up to ten hours at a time. One told me of receiving a letter signed by the police insisting that he leave town for a month, although he proudly said he never left. The worst of these interrogations took place in 1991 and 1992, in the aftermath of the Santa Cruz massacre.

None of the priests had been present at the 1991 massacre but one told us, with great emotion, of his experiences that day and in the months afterwards. His home is near the Santa Cruz cemetery where the massacre occurred. He had heard the shots that morning, but thought at first they were the rumblings of a storm. When he went out later, he heard from people what had happened and he went to the cemetery and tried to give last rites to those who were dying or dead. The military would not let him approach and tried to make him leave. He stayed anyway and soon saw three large military trucks approach and be loaded with corpses. Then he saw other trucks come that were filled with water and he watched them spray the blood off the ground where the killings had taken place.

The wounded were all taken to military hospitals, he said. He then proceeded, without prompting, to confirm the stories I had read and been told earlier, that no one was

allowed to visit these wounded in the hospitals, not even the priests. Again, he was unable to give last rites to the dying. He estimated that in the month following the massacre as many people died in the hospitals, either from poor treatment or from torture, as had been killed in the cemetery. He told of hearing eyewitness accounts of mass graves holding as many as 100 corpses in one pit. He said the month following the massacre came to be know as ''The Second Massacre.''

When asked about the type of human rights abuses that occur today, the priests argued that the fundamental human right of any people is that of self-determination. The people of East Timor have been denied that right for over 20 years and all other rights abuses follow from that fact. They asked me how far the U.S. government and the U.S. people were willing to go in helping East Timor in its struggle for self determination? They asked why, if the U.S. government says it cares about human rights and cares about human rights abuses in East Timor, it still continues to support the government of Indonesia on its occupation of East Timor?

Emotions around the room continued to rise, both from those telling the stories and those of us listening to them. I was struck by the knowledge that 5 years previously this group would have risked the sudden intrusion of armed ABRI officials, as the priests systematically contradicted everything Indonesian government officials in Jakarta and in Dili had said, the people of East Timor resist integration into Indonesia as strongly now as they did 20 years ago. There is an ''ebb and flow'' quality to the resistance; the Indonesians gain the upper hand [through various forms of intimidation] and the East Timorese temporarily retreat. When Indonesia seems to lighten up a bit, and the East Timorese ''have the courage to shout,'' the resistance pushes back, but ABRI always comes back again, in a ''continuous game.'' They provided a document listing the exact type and number of troops located throughout East Timor (a translated copy of this document is attached as an appendix to this report) to show us how pervasive and strong the military is there. When asked about Indonesia's argument that it has poured more economic investment into East Timor than into any other province in Indonesia, they responded disdainfully that ''the people are not willing to sell their liberty for all the gold in the world.''

Finally, I asked the fundamental question I had asked in all the meetings: if it were possible to hold a plebiscite in East Timor, offering a choice of political arrangements from autonomy to integration, how would the people vote? This classical political science-approach to finding a solution was met with hard nosed realism: how can you even hold out this approach to a people who have suffered so much for 20 years? More importantly—and fundamentally—after over 20 years of continued resistance in the face of abuse, even torture and death, have not the people of East Timor already made their preference clear? Does not their resistance itself constitute a referendum? What more proof do you need that the people of East Timor want independence from Indonesia?

To confirm this message, the acting rector of the University of East Timor, handed me a letter at the airport as we were leaving Dili, in full view of my ever-present official escort. By all accounts I have heard, I believe he was probably questioned after we left; one only hopes that his position will protect him from rougher treatment. The letter was written and signed by five university students, and asks the U.S. Congress to support East Timor in its struggle for independence from Indonesia. (A copy of the letter is printed as an annex to this report.) The end of the letter was particularly moving, as it thanked me for coming and hoped that my visit was ''independent,'' because they were concerned that Indonesia sponsored the visits of other delegations in order to ''shut their mouth and close their eyes.''

D. CONCLUSION AND RECOMMENDATION

By the time of my departure, it was clear to me that the people of East Timor continue to resist the often heavy handed occupation of their island by Indonesia. The resistance takes many forms and, while armed resistance and physical resistance may have diminished, it was evident that the people of East Timor practice an emotional and intellectual resistance that no amount of military pressure will ever be able to suppress.

Yet it was also evident that Indonesia will not, in the foreseeable future, grant East Timor either the autonomy it clearly wants or a process for determining its own future. How, then, can U.S. policy bridge the gulf?

The U.N. can both help and hurt. The U.N. sponsored talks between Portuguese Foreign Minister Gama and Indonesian Foreign Minister Alatas can bring positive results. But these talks run a serious risk of ignoring the views and wishes of the East Timorese themselves. The All-Timorese dialogue offers more hope, although for the moment the political status of East Timor is not on the table for discussion. The best outcome of these two series of talks would be the implementation of confidence-building measures such as some form of autonomy for East Timor; a reduction in Indonesian troop strength; and an increase in the number of East Timorese in leadership positions in Dili.

Progress in any of these areas would, I believe, be welcome in East Timor and would ease some of the stark anti-Indonesian sentiment there. Passions could calm and economic initiatives, such as the coffee project, could develop. Then a compromise solution between the East Timorese and the Indonesians might be found. The key is that the East Timorese themselves must be a part of the solution from the beginning. A deal struck between Portugal and Indonesia or between Alatas and Boutros Ghali, or between Jakarta and Washington will not provide the solution. No true and lasting solution can come without East Timorese input; no solution that is seen as being imposed from above will work.

Indonesia is one of the most important countries in the region and will grow increasingly important. It is evident that the U.S. should have close relations with Indonesia. Both countries have mutual strategic, economic and environmental interests and would benefit from increased cooperation in those areas.

But Indonesia also has serious shortcomings in the way it treats the East Timorese and others of its citizens and it is important that, in our dealings with Indonesia, we not ignore or downplay the fact of these serious human rights problems.

When we have an important bilateral relationship with a country in which there are human rights problems, there are those who argue that we should downplay the human rights concerns and focus, instead, on those areas of mutual interest, such as strategic or economic, which can strengthen the relationship. Their theory is that a stronger relationship might encourage more progress on human rights. I do not agree with that approach.

U.S. support for human rights in other countries does matter. All the East Timorese I met told me that foreign pressure, and especially U.S. pressure, had succeeded in moving the Indonesian government. Our ability to effect changes in the human rights politics of Indonesia and other countries may be limited, but it is important for our nation to make every effort to do so.

I believe we could have a better and closer relationship with Indonesia if the government would take what seem to me to be relatively easy steps. If, for example, they would switch from a ''heavy'' hand to a ''light'' hand in East Timor, they would gain improved relations with the U.S. and other countries and would, in my view, lose little.

Quite aside from its policies toward East Timor, Indonesia is quickly approaching a critical point in its political development. President Soeharto's sixth 5-year term in office will end in 1998. While he has been quoted in the press as saying he will not run for a seventh term, most political analysts fully expect him to be in office for life. There is no chosen successor nor established process for succession.

Indonesian citizens cannot change the government by democratic means. The government is still heavily dominated by GOLKAR, the President's party. The government appoints half the members of the People's Consultative Assembly, theoretically the highest authority of the state, and the Assembly in turn elects the President and Vice-President. The military is automatically given 15% of the seats in the National Parliament and while 80% of the Parliament is elected, there are only three legal political parties. Civil liberties, such as freedom of speech and assembly or freedom of the press, are severely restricted.

Indonesia has actively worked to open its economy while keeping its political system relatively closed. Deregulation and moving away from central control has brought tremendous growth and development, of which the Indonesian government is rightfully proud. Could not the same be done in the political sphere?

Indonesia has the potential to be a great nation with world-wide influence. But it will never reach that goal with the anachronistic, authoritarian style of government it currently has. There are limited signs that this system may be loosening. The Court system has taken steps toward functioning independently, but it is not yet truly independent. There are some non-government organizations that criticize government policies, but they still operate in an atmosphere of surveillance and fear of retaliation.

Indonesia should follow the example of Taiwan in the late 1980s and 1990s and take strong steps toward a true democratic system. One important change it could make now would be to legalize the formation of other political parties. The region and even the world has much to gain from a democratic Indonesia. The U.S. should offer assistance and encouragement where ever possible and adopt policies that will help move Indonesia toward that goal.

I hope that Jakarta will take seriously the recommendations in this report, work for a solution that is acceptable to all parties, put the issue of East Timor behind them, move toward democracy, and become the important international power it is meant to be.

RETIREMENT OF SENATOR WILLIAM S. COHEN

Mr. CONRAD. Mr. President, Senator BILL COHEN's decision not to seek reelection at the end of the 104th Congress deprives the U.S. Senate of one of its most respected Members.

Senator COHEN leaves behind a long and impressive career of public service for the people of Maine. With his election to the U.S. House of Representatives in 1973, Senator COHEN represented his constituents from Maine

diligently, and continued his efforts upon his election to the U.S. Senate in 1978.

Mr. President, Senator COHEN has remained a moderate and thoughtful voice in a Senate that is increasingly marked by strident and partisan debate. Senator COHEN has attempted to rise above partisan politics to accomplish what is best for the people of Maine and the Nation. In 1991, Senator COHEN voted to override a veto of an extension of unemployment benefits, at a time when America's families were beginning to feel the effects of an economic recession. In the 103d Congress, Senator COHEN participated in a bipartisan coalition that attempted to overhaul the U.S. health care system, after the administration's efforts were not successful.

During the 104th Congress, I have had the distinct pleasure of working with Senator COHEN in the Centrist Coalition. A group of about 20 Senators, the Centrist Coalition worked to reach agreement on a comprehensive budget alternative to those put forward by President Clinton and the Republican leadership. The plan we developed built upon the suggestions of the National Governors' Association with respect to the Medicaid and welfare programs. It also built in needed flexibility for States, while preserving the social safety net for our Nation's most vulnerable populations. It was the only bipartisan budget alternative that received significant support in the 104th Congress, and I am proud to have been part of that effort.

Mr. President, throughout his political career Senator COHEN has held government officials accountable to the high ethical standards that people expect of their elected leaders, regardless of party affiliation. This was evident during courageous votes he made during Watergate and the investigation of the Iran Contra affair.

Senator COHEN also helped create the independent counsel law, which mandates the appointment of an independent counsel to probe allegations against certain high executive branch officials. Further, Senator COHEN sponsored legislation to require that contacts between lobbyists and Members of Congress are officially reported.

Mr. President, we are all grateful for Senator COHEN's dedicated service and tireless efforts in the U.S. Senate. Senator COHEN's distinguished Senate career is a testament to his hard work on behalf of the people of Maine and the Nation. His insightful approach to the challenges we face as a nation will be greatly missed.

FAREWELL ADDRESS TO AMERICA

Mr. HEFLIN. Mr. President, all Members of the Senate are faced with difficult decisions almost on a daily basis. The day of my announcement not to seek a fourth term in the Senate—March 29, 1995—was one of the most difficult of my life. By that day, I had been wrestling with this decision for some time. There had been some health problems, but I was fully confident of running for and winning a fourth term. I have always loved campaigning, and getting back on the trail was a powerful temptation. The reality was, however, that another term would have taken me well beyond the normal age for retirement. I am 75 and would have been 81 by the end of another term. Ultimately, the decision was that the time had come to pass the torch to another generation.

Anyone who has ever held a Senate seat understands the magnitude of this great constitutional responsibility. The Senate is an awesome institution, and the opportunity to serve there is one of the highest honors that can be bestowed upon any individual. For anyone in public life who has attained the confidence of the people to carry out such a responsibility, the decision to leave voluntarily is a difficult one, even when we know that it is best for ourselves, our State, and our Nation. It is a bittersweet decision that stems from a solemn responsibility. Those returning to the 105th Congress already know this; those who will be joining that Congress in the coming days will soon come to that realization.

As Senators, we have to be students of the issues. It is important to be impartial, fair-minded, and willing to listen to opposing views. My decisions and votes have been based upon conscientious beliefs motivated by what I thought was in the best interests of my State and Nation, but sometimes tempered by the views of a sizable portion of my constituency. No doubt, Alabamians and my party were confounded at times, but hopefully, they understood that my positions were based on what I believed to be right.

One of our responsibilities as Senators is to sometimes take stands and positions with which the majority of citizens in our States do not agree. The difficulty of taking such unpopular stands and decisions cannot be overestimated. It can be a wrenching experience, as was the vote on the 1993 budget reconciliation legislation which raised taxes—even though primarily on a small number of wealthy individuals—but which also headed us in the right direction in terms of deficit reduction. This 1993 budget reconciliation bill had been grossly distorted and mischaracterized by its opponents almost beyond recognition. Several courageous Members of Congress who supported it were defeated in the next election. Since then, the economic and budgetary figures and forecasts show that supporting that bill was the right thing for the Nation.

In any case, since our first duty under the Constitution is to our country as a whole, these times and politically difficult situations will inevitably arise. Rather than running away from these stands, Senators have to meet them directly, stand firm, and explain to our constituents why we believe we are right. Although they might never agree with us, over time, they will understand and respect us for assuming responsibility. This will be even more true in the new Congress, the Congress whose leaders, along with the President sworn in on January 20, 1997, will take the country right into the new century and millennium.

As a member of the Judiciary Committee, I have had to oppose Supreme Court nominees I thought to be ill-suited by temperament or background to serve on the Nation's highest court. On other occasions, I have supported nominees whom I knew not to be popular among my constituents, but who deserved my support.

Despite criticism that the Senate is no longer the great forum for debate and policymaking established by the Founders, there have been many examples of such debate during my tenure. These are times when the Senate as an institution soars, when Members are the statesmen they are elected to be.

One such time was the debate on the resolution authorizing military action in the Persian Gulf in early 1991. It was one of those rare moments when each and every Member had to look deep within his or her soul and go on record telling the American people either why they would allow young men and women to be sent into harm's way without a declaration of war, or why they could oppose the President of the United States and an entire world coalition poised to thwart aggression. As each Senator spoke, you could see and feel the deep emotion that seemed to emanate from the very heart of each speaker. Each decision, each vote, was profoundly personal. Many of us had served in the military and knew something of the horrors of military operations, even if those operations were successful. I know of no one who did not understand the gravity of what we were deciding.

Ultimately, the Senate voted narrowly, 52 to 47, to authorize the use of force to eject Saddam Hussein's army from Kuwait. Despite reservations and uncertainty, I was one of a few from my party who supported the authorization. All we could draw from in making this decision was our own experience and knowledge, our faith in the American Armed Forces, and the collective will of the civilian and military leaders to ensure victory. I would venture that most of us said a private prayer before casting our votes, hoping that we were doing the right thing and that events would vindicate us. I was struck at the sincerity and emotion surrounding this debate, and, as a Senator, was proud to have taken part. I thought to myself that this was the kind of debate the Founders envisioned.

Another one of these dramatic and emotional debates took place on the Senate floor on July 22, 1993. One Senator had offered an amendment to pending legislation to grant an extension of the United Daughters of the Confederacy patent outside the normal

process established by the Patent and Trademark Office. Only a very small number of organizations had ever been granted patents by the Senate, with the United Daughters of the Confederacy being one of those. This extension by the Senate would place that body's stamp of approval on the group's patent. Part of its insignia is a Confederate national flag.

Freshman Senator CAROL MOSELEY-BRAUN of Illinois, the only black Member of the Senate and the first-ever female black Member in all its history, came to the floor to oppose the amendment. She spoke eloquently on the floor of the issue of race, of symbolism, of division, and of intolerance. Her passion, candor, spirit, emotion, and determination moved the Chamber in a way that I have rarely witnessed. One by one, Members began articulating very personal statements about their feelings on race relations in this country and the lingering symbolism and emotions that complicate those relations.

As I listened to the debate, I felt a deep personal conflict as to how I should vote on this amendment. I was torn between my love for my native South and the racial conflicts which remain in America today.

I come from an ancestral background deeply rooted in the Old Confederacy. One of my great-grandfathers was one of the signers of the Ordinance of Secession by which the State of Alabama seceded from the Union in 1860. My paternal grandfather was a surgeon in the Confederate Army. History always provides perspectives on a particular time in the life of a nation, and I have always had a firm belief with regard to my family's background that they did what they thought was right at that time and in those circumstances. I have always revered my family and respected those who thought what they were doing at that particular time in our history was morally correct.

Ultimately, it became clear that the issue was primarily one of symbolism. By adopting this amendment, which would put the Senate's stamp of approval on an insignia carrying the Confederate flag in a very special and honorific manner, we would not serve the causes of advancing race relations or healing wounds. It would not be a step forward. I felt that if my ancestors were alive today and witnessing that debate, they would stand for what is right and honorable and would want to take a symbolic step forward.

In this case, one Senator, acting upon the courage of her convictions and her unique perspectives as an African-American, helped reverse a decision of the Senate. I thought again about how the Senate as an institution was fulfilling the promise of the Founders. New and returning Members of this body, as well as the House of Representatives, will no doubt face similar debates and issues which will test and challenge the Congress.

Despite these proud moments in the life of the Senate and Congress, there is still the perception among the vast majority of Americans that the system as a whole does not work as it should. They feel strongly that government does not respond to their needs. In many cases, they view it as being totally irrelevant to their daily lives and experiences. Ironically, as more and more information about government has become available over the last decade, the alienation of the citizenry has increased. Despite the C-Span cameras, the proliferation of constituent-service staff, and the plethora of news, both written and broadcast, people still feel that they are somehow cut out of the political process. This is one of the gravest problems the new Congress and administration will face as they approach the next century, since it undermines the very legitimacy of our democratic form of government.

There are any number of reasons for this ongoing alienation. Gridlock between the two Houses of Congress, between the political parties, and between the Congress and White House is most often cited as the primary reason for the public's disgust. A certain amount of what is called gridlock, however, is built into the system by the Constitution. Congress is, by design, an institution which moves rather slowly in making law. This is especially true of the Senate, where the wishes of a cohesive minority hold considerable sway. This is so the passions of the moment are allowed to cool before laws are passed. Careful deliberation, analysis, and long-range thinking were important to the Founders, and these are usually necessary ingredients in legislating. If anything, the Congress which will be sworn in shortly will not have enough of these ingredients. Few in their right mind will argue that it suffers from too much deliberation, analysis, or thought. In fact, it will need more.

If we look back over the last few years and compare passed conditions with those in mid-1996, we see that we have made tremendous strides. We won the cold war; our economy is healthy; we have the lowest combined rates of unemployment and inflation in 27 years; the budget deficit is decreasing even faster than rosy projections earlier predicted; and our national defense and international diplomatic structure are strong. Millions of new jobs in basic industries like automobiles and construction have been created and for 3 years in a row, we have had a record number of new businesses started in our country. More and more businesses are making capital investments, a strong sign of economic prosperity. The rate of violent crime is coming down all across America, although we still have a long way to go to make our streets safe. Race relations are still not anywhere near what they should be, but civil rights laws have helped secure the promise of America for more of our citizens than ever. The road toward equal opportunity for all persons, regardless of race, color, gender, creed, or other station in life has many miles to go, but we should be proud of the progress we have made and build upon it for the future.

In terms of the institution of Congress itself, there is no doubt that it has made great strides in terms of ethics and behavioral standards. People might not want to hear it or believe it, but the people we have serving in Congress today are the most ethical and least corrupt of any in its history. I served on the Senate Ethics Committee for a total of 13 years as either chairman or vice chairman, and can say definitively that the vast majority of Members tried their best to comply with ethical standards and rules. The perception that they are here to enrich themselves at taxpayers' expense is simply false. Senators were always coming to the Ethics Committee trying to comply with the rules, not to get around them. Of course, there are inevitable lapses, as would be the case with any large organization made up of people from all over the country and from all kinds of backgrounds, some of low standards of integrity. From the perspective of ''how it used to be,'' the taxpayers are vastly better off now than in decades passed, regardless of the perceptions and media distortions.

We have accomplished a great deal and have made tangible progress. Why don't people recognize these areas of progress? Part of the answer undoubtedly lies in the fact that we no longer have a common, external enemy at which to direct our considerable energies. For the first 40 or so years after World War II, communism was our greatest threat. It caused the Government and the public to rally together toward its ultimate defeat. In the early 1990's, as that promise was realized, people seemed to turn toward one another and ask ''What now?''

As I watched in amazement as the Berlin Wall fell in 1989, I couldn't help but feel that somehow, many Americans were missing the event's true significance. Our victory in the cold war did not seem to have the resonance around the country that one would expect. For decades, our entire defense and foreign policy had been formulated around the goal of fighting communism. It was truly astounding that our resources could now be channeled elsewhere. And yet, the passion, the excitement, the relief just didn't seem to be there. Almost immediately, a sizable segment of the population seemed to begin searching for another enemy. Unfortunately, there are those whose primary motivation is the hatred of an enemy. There was talk of a peace dividend. Various special interest groups staked their claims to pieces of that dividend, while others wanted to substantially reduce taxes. New enemies were found within our own borders as the competition arose for still-scarce resources.

As the cold war ended, the mounting budget deficit and national debt became a policy issue. There would really

not be a peace dividend, as such, since our fiscal house was not in order. I had long supported a constitutional amendment requiring a balanced budget, but by the mid-1990's, it had gained broad public support and majority support in Congress, but still not the two-thirds needed to send it to the States for ratification.

Sadly, what brought us to such a serious budgetary state was a failure on the part of our Government to address our fiscal problems before they nearly spiralled out of control. It was the fault of the political parties, the Congress, and the President. But it was also the fault of the public for expecting and demanding so much, much of it contradictory to the long-term health of our economy. Government leaders should have had the courage to say no much more often than they did. We all have to accept responsibility for our mistakes if we are to move forward and continue to bring down the deficit. It does no good to blame each other; it does profound good to acknowledge mistakes and collectively dedicate ourselves to fiscal discipline and the modest sacrifice it requires.

Regardless of the legitimacy of public perceptions, the alienation and frustration with our Government are real threats to the stability of our Nation. Unless they feel like they are a part of the process and able to influence its outcome, the alienation and frustration will only grow and intensify.

For much of our history, our national leaders and political parties adopted mainstream, centrist policies aimed at securing economic security and promoting opportunity. Of course, there are times when this has not been the case, but Government has worked best when it has operated from the center of the spectrum. Only when we have strayed too far to the left or right have we fallen so out of favor with the citizenry. To a great degree, that is what has happened over the last few years, with Democrats becoming more liberal and Republicans becoming more conservative. Since the vast majority of the people are politically moderate in their beliefs and values, they have become, in a sense, alienated from both sides, not comfortable with the extreme views the parties have adopted. The bipartisanship that is so crucial to the operation of Congress, especially the Senate, has been abandoned for quick fixes, sound bites, and, most harmfully, the frequent demonization of those with whom we disagree.

It is supremely ironic that as we try to foster democratic principles throughout the rest of the world and have seen democracy make great strides in many areas, we seem to face our strongest threat from within. Some elected officials, media personalities, extreme elements within political parties, and single-issue organizations strive to pit one group of Americans against another. The focus on divisive issues has increased the alienation and driven us farther and farther apart.

In my judgment, much of the answer to this alienation lies in what I call compassionate moderation. Instead of being so concerned with policies which are left and right, Government should be concerned with the principles of right and wrong that come from approaching issues in measured, moderate, and compassionate tones. Both compassion and moderation must be seeded in basic conservatism and responsibility, rooted to induce individualistic growth and opportunity. Even where voters opt for change, they do not favor extremism; instead, they want carefully crafted and nuanced policies that address the concerns of the majority and, where needed, the disadvantaged in our society. This is the kind of responsible and compassionate moderation upon which our Nation was founded. Our Constitution itself came about through a series of great compromises; it was not written by ideologues who clung to their way or no way. Compromise and negotiation—the hallmarks of moderation—aimed at achieving moderate, centrist policies for our country should not be viewed as negatives. They should be valued, for that is the only way to reach consensus on complicated issues and problems that face us.

By being compassionately moderate in our attitudes, we can govern ourselves responsibly and reach the potential which we have yet to attain. Thomas Jefferson demonstrated a belief in the concept of compassionate moderation when he called for basic republican simplicity in institutions and manners. He knew that a limitation on Government did not mean the abdication of the Government's responsibility. Similarly, in his own farewell address to the Nation, President Eisenhower said that:

> It is the task of statesmanship to mold, to balance, and to integrate forces, new and old, within the principles of our democratic system—ever aiming toward the supreme goals of our free society.

Both of these great leaders envisioned a strong, but limited, National Government which could balance competing interests in the pursuit of overall liberty and equality.

During his term as Vice President, Jefferson once asked for a room in Baltimore's preeminent hotel. Not recognizing the Vice President, who had shown up alone and in soiled working clothes, the owner turned him away. Shortly after Jefferson's departure, the owner was told that he had just sent away the Vice President of the United States. The horrified proprietor immediately dispatched some of his workers to find Jefferson and offer him as many rooms as he liked. The Vice President had already taken a room at another, more modest, hotel, and sent the man who found him back to the owner with this message:

> Tell [the owner] that I value his good intentions highly, but if he has no room for a dirty farmer, he shall have none for the Vice President.

Our Government's greatest successes have come about precisely because it has made room for dirty farmers and all kinds of hard workers. It has made room for those who want to work hard, but who might be disadvantaged by poverty, injustice, or oppression. It has never been the task of Government to guarantee success to everyone across-the-board. Instead, it has been to ensure, through responsible sensitivity and compassion, that everyone has the opportunity to work toward the kind of life and success for which we all strive given the same opportunities. When we fall short, it should not be because Government has done the wrong thing, whether too much or too little—it should be only because we as individuals did not take advantage of the opportunities afforded by our free society through our Constitution and backed up by representative, democratic Government.

The extreme elements of our Government must realize that compromise is not bad, that we can be compassionate and responsible at the same time by being moderate in our approach to public policy. No one of us can remake Government or society in our own image. With 535 Members of Congress, thousands of executive branch officials, constitutionally mandated checks and balances, shared power, and a strong two-party political system, compromise is an inherent necessity. If compromise is abandoned for rigid ideology, the system cannot work as it was intended. Frequently, it becomes a hostage to gridlock and inaction.

If we look back over history, we see that moderation and centrism in Government have led to some rather remarkable achievements. As we ponder the cynicism and disfavor with which the Government is viewed today, it occurs to me that we may have, in some ways, become victims of our own successes. As more and more is taken for granted, standards are set higher, often unrealistically so. This results in recurring disappointment.

In 1954, ours was a country where poll taxes separated millions of citizens from their basic right to vote. Restaurants, hotels, schools, and neighborhoods were totally segregated by race. Through the Civil Rights Act of 1964, Voting Rights Act of 1965, and subsequent legislation, these Americans have been brought into the process and enfranchised. The Head Start Program, for example, remains one of the single most effective program ever designed for keeping high-risk children in school.

My own civil rights record is one of which I am exceedingly proud. It has been publicly stated by black leaders that I was the first Senator from my State who believed in and supported the civil rights movement. I worked to secure the extension of the Voting Rights Act; to appoint African-Americans and women to the Federal bench and other Federal offices; to support historically black colleges; to ensure passage of the civil rights restoration bill; to help pass the fair housing bill;

and to establish a national holiday honoring the late Martin Luther King, Jr. My philosophy on the issue of civil rights has always been one of moderation, of trying, where possible, to get people to lower their voices and work together for progress. Again, by avoiding the lightning rod rhetoric of the extreme positions, we can successfully move forward.

In 1955, only 63 percent of our high school students graduated. Those who did stay in school did not have access to advanced science or math courses in a majority of school districts until passage of the Defense Education Act of 1958. Higher education had traditionally been the preserve of the well to do. A full decade after the GI bill was signed into law, there were still only 430,000 college graduates each year. Following passage of the Higher Education Act of 1965, college enrollment increased by 300 percent.

Perhaps the largest public construction project in American history began with the Interstate Highway Act of 1956, which ultimately doubled the Nation's highway system and provided new corridors of growth. The National Highway System of today is the envy of the world and is a growing testimony to the strong, steady leadership of President Eisenhower, who did not shy away from the moderate label. Indeed, he eloquently championed the concept of balance in public affairs throughout his January 1961 farewell address to the Nation. Other legislation and policies guided technology into the marketplace. The leadership and vision of President John Kennedy in terms of space exploration led to the lunar landings, the commercialization of space, and numerous scientific advances. These projects were not advanced in the pursuit of a party's retaining power or in the interest of a particular ideology being thrust upon the American people. They were advanced because there was a bipartisan consensus that they were good for the future of the country. They came from the center, not the extremes.

In the America of 1954, poverty and age were often indistinguishable, especially in parts of the South. The average monthly Social Security benefit was only $59. A child was three times less likely than today to survive its first year of life. The success of the Social Security Program has helped lower poverty rates among senior citizens to the lowest level in the population. The Medicare Program brought 32 million seniors into the health care system. The Women, Infants, and Children Program began to reduce infant mortality and aid to families with dependent children brought vulnerable children basic sustenance. Revelations of child hunger during the 1960's gave rise to the school lunch program. Later, deregulation of the airline, trucking, and telecommunications industries produced millions of new jobs and lowered prices for transportation and telephone services.

The agricultural community is considerably better off today than when I came to the Senate in 1979. We have strived to craft farm policy which provides market stability and allows American farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury.

When I came to the Senate, one of my major goals was to help modernize and reform our Federal courts, much as we had done on the State level while I was on Alabama's Supreme Court. My efforts were focused on improving the Federal judicial system and relieving court congestion in criminal and civil cases. We were successful to a large degree, particularly in the areas of criminal justice and bankruptcy, although much could still be done.

Today, our system of civil justice faces one of the greatest tests in its long history. The very foundation of our civil justice system and more than 500 years of the development of common law are under attack, including the right of trial by jury. We must continue to face these assaults by improving the administration of justice and maintaining its historic role in protecting the weak and disadvantaged.

Of course, the programs mentioned above, as well as many others, are in need of reform. We all agree they should be streamlined and made more efficient. We should implement incentives for those on public assistance to work and become self-sufficient. The task of government, however, should just that—reform, streamlining, and improving efficiency. It should not be to tear down, eliminate, and dismantle just for the sake of reducing government.

These government success stories and others are the result of compassionate, moderate, democratic government aimed at securing opportunity for and promoting responsibility among all Americans. No, these accomplishments did not result in the Great Society as envisioned by President Johnson and much-maligned in some political circles today. Some want to label all the Great Society programs as failures. It is fashionable to make them euphemisms for liberal big-spending government.

Some of these programs were indeed disappointments worthy of the criticism they receive today. Certainly, there was some idealistic overreaching, which resulted in a pattern of dependency we are trying to combat through current welfare reform efforts. Even so, many good things came about, resulting in a better society, one that has come about due to more Americans than ever having basic opportunities to succeed and pursue their dreams. Instead of focusing on our failure to reach some sort of utopia, or unduly blaming each other for the overreaching that led to dependency among some segments of the population, we should take enormous pride in the fact that when it has been needed, our Government has usually done the right thing for our people.

At the same time, we cannot rest on our laurels, but must learn from success—and from our failures—in order to reach even greater success and avoid the same shortfalls in the future. In this way, personal initiative can be enhanced where it is needed. In an era of shrinking government, programs designed to provide incentives for the private sector to search for solutions to public problems will become increasingly important.

What can we do specifically to enhance the concept of moderation and promote its ability to yield the kinds of centrist government actions that help the vast majority of our citizens? How can the leaders of the next American century put aside personal ideology and work for policies and programs that promote opportunity and individual initiative, and that promote the public good? What can the new Congress do to change public perceptions about government?

To begin with, bipartisanship should be one of the most used—if not the most used—guide for Congressmen and Senators when they initiate and pursue legislation. The lessons of the 1993 budget debate, health care reform in 1994, and most elements of the Contract With America in 1995 and 1996 point to the obvious pitfalls of one party trying to govern by itself.

To promote more bipartisanship, ways should be found to bring about more informal togetherness among Members of opposite parties. One of the wonderful byproducts of the weekly Senate Prayer Breakfast gatherings has been the friendships forged across party and ideological lines. These friendships have led to more openness and willingness to discuss issues on a cordial basis. They promote the identification of common ground. This informal togetherness concept could be expanded to Senate standing committees like Agriculture, where I serve. Members could hold regularly scheduled luncheons and dinners among themselves and occasionally with their spouses.

Another way to foster bipartisanship would be to have more committee hearings outside Washington in various regions of the country. These should be scheduled during recess periods, when Members are usually out of Washington anyway, or during extended weekends. Committee members traveling together get to know each other on a personal basis much better. Friendships and better understanding will no doubt be among the results.

Issue discussions in informal settings should be frequent occurrences, particularly between the leadership of the respective parties and should, on occasioin, include White House leadership. Similar informal togetherness gatherings should occur among staff members. Such recommendations to enhance a spirit of bipartisanship and

to foster personal relations among Members of Congress might seem to be stating the obvious, even trivial in light of all the challenges we face. This spirit and these relationships have suffered greatly in recent years, however, and can only be restored through focusing on them. Congress, and especially the Senate, is only as strong and effective as the links between its Members. Newcomers to the institutuion will soon learn the importance—the necessity—of working together and compromising. The basic point is to soften the lines of partisanship and division that often impede the legislative process.

Along with sincere efforts to increase bipartisanship, overall expectations must be lowered. There is a consensus in both parties and among the public at large that Government cannot be expected to do all things for all people. Constituents cannot continue to make contradictory calls for a downsizing of Government and a lowered deficit while at the same time demanding more services and benefits. Members must have the political courage to tell this truth and to point out this reality.

The realities of our two-party system dictate that there will be issues upon which the parties will never agree. After all, the parties do hold competing views for the future of the country. This is not necessarily bad. It creates alternatives and requires leaders to articulate a vision. But, there are enough large issues that confront us that bipartisanship is the best way—perhaps the only way—to achieve success. By focusing on broad goals that come about through compromise, Members do not foresake their parties or philosophies.

Where bipartisanship and working together are not possible, perhaps it is best to pull back and perhaps wait for another time to pursue action. This is in stark contrast to the tendency in recent Congresses to forge ahead, even where failure is certain, and then blame the other side or party for the failure. Sometimes legislation and ideas need to simmer and gel before being acted upon.

There should be a ladies' and gentlemen's agreement making it a taboo to demonize your political opponents. Far too much of today's debate consists of trying to promote one's position through the character assassination of an opponent. Even in circumstances where this tactic succeeds, the victory is inherently hollow and will not stand the test of time. Both major parties could have their campaign committees designed to work together to create less negativity and friction in political campaigns. The first agreement should be to ban negative campaign ads.

In the spirit of President Eisenhower, the status of his self-proclaimed moderation should be returned to that of a political virtue rather than a governing liability. Regardless of the personal ideologies and views of individual Members of Congress, the national legislature should reflect the moderate course of a moderate populace. This does not mean that ideology and political passion do not or should not count; it does mean that sometimes they should be suppressed in the best interests of the Nation as a whole. In such a complex, diverse, and large country as ours, extreme, rigid views on either side can only perpetuate alienation from and dissatisfaction with Government.

It has always struck me as rather interesting that the vast majority of the policy foundations, issue study centers, and think tanks are either identifiably conservative or liberal in their orientation. There are very few that are seen as centrist in their outlook. Perhaps private sources could establish an Institute for reason and moderation or a center for responsible government to review and monitor legislation under broad guidelines designed to produce a scholarly moderate approach to and evaluation of issues.

As I leave the Senate and public service, I want to thank the people of my State for their faith and trust over the years. As I pass the torch to a new generation, I also want to thank my Creator for the blessing of health and energy during my lifetime so far, and for giving me the opportunity to serve our great Nation and my fellow citizens.

As my time in the Senate draws to a close, I am reminded of the fact that our Nation—the United States of America—is not based on any one language, culture, or geographic area as are most older nations. Instead, it is based on a set of ideals, which, while relatively few in number, really encompass all the elements that constitute the core of who we are as a people. These are liberty, freedom, democracy, equality, opportunity, human dignity, and respect for others. These are the great ideals that brought us to these shores in the first place, and which will take us into the next century.

Since our country is still so much a work in progress, I still believe that our best years are ahead. Sure, growing pains, in the nature of social problems, world threats, and ideological divides, will continue to occur. But by weathering these storms and finding remedies for them, we become stronger and better able to meet and adapt to changing demands and conditions. This adaptability and resourcefulness—benefits resulting from the genius of our Constitution and the Government it charters—have served us particularly well during the last several decades of intense social and technological change. This ability, with which America is uniquely equipped due to the ideals upon which it is founded and the Constitution which enshrines those ideals, can continue to guide and serve us well and will continue to be our greatest natural resource.

TRIBUTE TO RETIRING SENATOR MARK HATFIELD OF OREGON

Mr. CONRAD. Mr. President, I rise today to bid farewell to our distinguished colleague from Oregon, Senator MARK HATFIELD. Senator HATFIELD's career in the Senate has spanned three decades, a record of service that the State of Oregon, as well as the rest of the Nation, should be proud of.

Senator HATFIELD has devoted his entire adult life to serving the people of Oregon, as an educator, a statesman, a public servant of the highest caliber. Senator HATFIELD's long and distinguished career began as college professor and dean at Willamette University. He has served in both the Oregon House and Senate, as Oregon's youngest secretary of state, its Governor, and, since his election in 1966, as the longest-serving U.S. Senator from the State of Oregon. Senator HATFIELD's commitment to the people of Oregon is unquestionable. In announcing his retirement, Senator HATFIELD explained, ''Thirty years of voluntary separation from the State I love is enough.'' As I am sure my colleagues will agree, Oregon's gain is the U.S. Senate's loss.

Senator HATFIELD served as the chair of the Senate Appropriations Committee from 1981 to 1987, and in 1995 he returned to the helm of that committee. As chairman and in the Senate as a whole, he often helped fashion bipartisan compromises, putting the good of the country ahead of partisan politics. I had the good fortune to work with Senator HATFIELD as part of the Mainstream Coalition, which tried to break the gridlock surrounding health care reform.

Senator HATFIELD is not afraid to stand up for what he believes is right, even when it means going toe-to-toe with his own party or disregarding popular public opinion. In 1995, during the fight over the balanced budget amendment, Senator HATFIELD stood by his beliefs, in the face of enormous pressure from his own party, and voted against the amendment.

In addition to his tenure in the U.S. Senate, MARK HATFIELD also served his country as a Navy Lieutenant in the Pacific theater in World War II. He was at the battles of Iwo Jima and Okinawa, and served in the occupation of Hiroshima after the dropping of the atomic bomb. This experience gave him a deep and unshakable commitment to peace, leading him to vigorously oppose war and nuclear proliferation. As Governor of Oregon, he spoke out against Lyndon Johnson's policies on Vietnam. He helped author legislation passed by the Senate in 1992 calling for an end to U.S. nuclear testing, legislation that I supported. He also helped found the Oregon Peace Institute and the U.S. Institute for Peace.

Mr. President, I have the deepest respect and admiration for our friend and colleague from Oregon, and I say with confidence that he will be deeply

missed by every Member of this Chamber. I wish him all the best as he returns to his home State of Oregon and resumes his career in education, and I thank him for his dedicated service to this body and the Nation.

SENATOR BILL BRADLEY

Mr. BYRD. Mr. President, I pay tribute today to the senior Senator from New Jersey, BILL BRADLEY, who has, unfortunately, decided to retire from the Senate after three terms.

BILL BRADLEY has brought to the Senate a keen mind and an athlete's drive to cut through highly complicated, but vital issues affecting the economy of the United States, especially the Tax Code's treatment of the middle class, and the need to eliminate the accumulation of deductions and special interest provisions which have skewed our tax code in multifarious and unfair ways.

In tackling the most vexing and wide-ranging problems affecting the economy, Senator BRADLEY had a central impact on the Tax Reform Act of 1986 after 4 years of hard work, perseverance, and studious attention to these very difficult issues. Using the springboard of his seat on the Finance Committee to grind away at his colleagues and the Senate as a whole as to the need for basic reform of the Tax Code, BILL showed that he could go the extra mile, and through sheer determination use the legislative process in textbook fashion. He produced far-reaching proposals on issues that have made a real difference for Americans, based on careful study and on convincing the rest of us to stand up, pay attention, and support the soundness of his position.

He has tackled a variety of other tough and central problems facing American society, including deficit reduction, pension reform, college loan programs, Medicaid reform, and a variety of initiatives in the energy area through his active membership on the Senate Energy Committee. In addition, he has been extremely industrious as a legislator on a wide range of issues in the education field, from community-based initiatives involving families, to reform of higher education. BILL BRADLEY has gone much further than legislative initiatives, however. He has sponsored a number of enduring seminars and special programs for high school and college students and athletes, all with a dual focus on effective citizenship and educational excellence.

Senator BILL BRADLEY added his engaging personality, integrity, and studious manner to the mosaic of the Senate, and gave this body another dimension. His unique background as a Rhodes Scholar, and as a former professional basketball player turned U.S. Senator sent a message to our young people that intellectual and athletic excellence need not be two competing worlds.

In all his work in the Senate, BILL has performed with dignity, grace, and with great respect for the opportunity that the Senate affords for informed debate. Unfortunately, informed debate has not always been a great hallmark of recent years in the Senate, and I regret that this body will no longer have the benefit of BILL BRADLEY's keen mind and tenacious, yet gentlemanly approach to the issues of our day.

Senator BRADLEY is a young, vibrant, vigorous man with, God willing, a long span of productive years ahead of him. I am pleased to note that he has recently been writing and speaking out on a variety of fundamental issues concerning the Nation, including race relations; the need for a more responsible civil society where grassroots and local institutions assume more responsibility for our civic life; on the need for campaign finance reform; on the need for economic transformation and growth more fairly shared across the full range of economic groups in American society; and on the role of faith in the fabric of American society. Of particular interest is his comparison of American society with a three-legged stool made up of the private sector, government, and civil society. Obviously Senator BRADLEY is correct when he points out that our future depends on all three.

BILL BRADLEY is an independent, and thoughtful thinker on some of the most fundamental issues confronting our Nation.

Senator BRADLEY has focused his considerable mental powers well on a broad landscape of difficult problems which will trouble our Nation in the years ahead.

The breadth of issues on BILL BRADLEY's plate clearly shows that he intends to make an indelible mark on the continuing American dialogue about solutions to these problems, and I, for one, encourage him and look forward to his contribution. It would not surprise me to see citizen BILL BRADLEY at the witness table at future Senate hearings giving us his views on many fundamental issues.

I wish BILL and his wife, Ernestine, the best as he departs from this latest stopping place in his varied and successful life, knowing that there is much more to come, and with the hope that he will return frequently to include the Senate in his personal quest for a better America.

TRIBUTE TO SENATOR BRADLEY

Mr. CONRAD. Mr. President, today I want to pay tribute to Senator BILL BRADLEY's distinguished service in the U.S. Senate.

From his election to the Senate in 1978, BILL BRADLEY has influenced the policymaking agenda in Washington by plunging into the intricacies of an impressive array of interests and learning the strengths and weaknesses of his opponents' arguments better than they did. His sheer intellectual dominance of issues has allowed him to succeed against the political odds on issues as far-ranging as tax reform and water-use policy.

Senator BRADLEY has been a true leader on tax reform and fiscal responsibility. He was an early and persistent voice urging us to put our fiscal house in order. If we had had more BILL BRADLEY's in the Senate in the early 1980's, we could have avoided the deficits of the Reagan era and subsequent years that have left us with our enormous national debt. Last year, I was privileged to work closely with BILL BRADLEY in putting together a fair share budget plan that would have balanced the unified Federal budget. His advice was absolutely central to developing the specifics of the plan and bringing together a coalition of supporters.

In 1986, BILL BRADLEY almost single-handedly pushed through a tax reform bill that dramatically reduced the number and size of tax loopholes, gave middle-class American families tax relief, and greatly simplified the Tax Code. Since joining the Finance Committee, I have had the opportunity of working with BILL on tax policy, and his knowledge of the intricacies and politics of our Tax Code is truly astounding. We will sorely miss his knowledge on these issues as we consider tax issues in the future.

Senator BRADLEY has also been a courageous voice on other issues that many politicians choose to avoid. For example, he has been one of a very few Members of Congress to move beyond sound bites and talk honestly and directly about the issue of race in America. And he was a strong voice criticizing those who seek to use race to divide us for political purposes.

Senator BRADLEY also devoted a great deal of time to foreign policy. Whenever a complex foreign policy issue forced itself upon the Senate, it seemed like BILL had found time to think through the options and U.S. and regional interests involved.

In short, Mr. President, BILL BRADLEY has been an intellectual giant in the Senate. The U.S. Senate is losing a champion for average American families and particularly for the least fortunate among us. But I do not doubt that he will continue these fights. As he said when he announced his decision not to seek reelection, there are other places where he can put his skills to work making our country better and stronger. I wish him well as he seeks out the best place and way to continue his calling to public service.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CLAIBORNE PELL

Mr. BIDEN. Mr. President, I rise this morning to speak not to an issue but to speak to a man—about a man.

Mr. President, I rise this morning on the floor of the Senate to perform a task that I am anxious to perform but, at the same time, reluctant to perform.

I have been in the Senate now for 24 years. I have had the opportunity in those 24 years to serve with some very famous, significant political figures in modern American history. When I arrived here in 1972, Richard Nixon was President. The Senate was markedly different in terms of its makeup and membership, so much so that I now find myself—I was No. 100 in seniority—I now find myself somewhere in the low teens in seniority, and finding only a half a dozen or so Democrats who have been here longer than I have.

The reason I bother to mention that is I have had an opportunity to meet and work with and become friends with some truly great and famous Members of the U.S. Senate. The loss—in some cases by death, such as in the case of Hubert Humphrey and Dewey Bartlett and others; in some cases as a consequence of having lost an election, in the case of people like Frank Church and other great leaders such as Jacob Javits; the loss in some cases on the part of a Senator deciding he did not wish to run again, like Senator Mansfield and others—has impacted on the Senate and has impacted on the country.

I know my Grandfather Finnegan—God rest his soul—was right when he always used to say, ''Joey, don't forget Paddy's a 9-day wonder. When you're gone, you're gone.'' In one sense that is true. In another sense it is not true because every once in a while someone passes this way. Every once in a while someone assumes a position in the U.S. Senate, or takes the place on the floor of this august body, who changes not only the nature of our laws and the attitude of our country about major issues but who impact upon how this institution functions.

In my mind, and I believe I reflect the view of the American public in this case, one of the things that is most troubling in our discourse is a growing lack of civility, not only in our public discourse but in our private discourse.

You need only go down this long aisle to the next, patterned after the Parliament in Great Britain. Look out this door. Many people who watch us on C-SPAN don't realize that you walk through the door of this institution, this floor, and look out that door, and you look straight all the way through, you will see a similar set of doors at the other end that lead into another Chamber called the House of Representatives. For years and years, we have avoided the kind of invective that seems to have infected the debate on that end of the Capitol. And one of the reasons we have avoided it is because there have been men and women on the floor of this Senate who will not tolerate that kind of discourse and constantly remind us of our moral conscience: that we, as the greatest institution—not as individuals, but as an institution—should not stoop to the level of engaging in uncivil conduct.

If the Presiding Officer, the former Governor of Missouri, will excuse my personal reference, it is like using profanity. You know that one may engage in using profanity in the locker room with a bunch of guys when you are in high school, but you would never do that in front of your mother. You would never do that in front of your grandmother. You would never do that in front of the people you most respected, even if you slipped and did it in front of the guys.

Well, the presence of Claiborne PELL on the floor of the U.S. Senate—just, literally, his physical presence on the floor—inhibits Members from yielding to the temptation of engaging in uncivil conduct, in conduct that, quite frankly, we should all realize is beneath us and demeans the public debate and demeans this institution. And I can say, without reservation, that in the 24 years I have served here there is not a single, solitary person whose mere physical presence in a committee, in a caucus room, on the floor of the U.S. Senate—just his presence inhibits negative behavior on the part of all of us. He is a man of such character, such gentility, such class, and such persuasion by his actions. I mean it. Think about it. I say to my colleagues who may be listening to this in their offices: Name for me a single solitary person with whom we have ever served who has that kind of impact—he walks into a room, and his mere presence exposes demeaning conduct that any of us, including myself, may be engaging in in the course of political discourse.

He likes to point out—and he never lectures, but he likes to point out—that he has never negatively referred to any one of his opponents.

I remember one of the highest compliments I ever received. We were at a candidate forum. The chairman and I, Senator PELL, a Democratic candidate, were getting ready for the last election. And one of the leading political advertisers for Democrats was up there showing us the latest ad, all the Members of the Senate who were running in the 1990 race, when Senator PELL and I ran together the last time. He was saying, ''This is what works, and this is what the Republicans are doing, and this is what we should do.'' This particular guy has great wit and was actually the guy doing my advertising, and may have been the one doing Senator PELL's as well. I can't recall. His name is Bob Squire, one of the leading political advertisers in the country, and a fine man. Actually he was doing the President's campaign, if I am not mistaken. Bob Squire with his dry wit looked down at all of us, and said, ''There are only two men in America that do not get it''—that you must respond to negative ads and you must be negative.

And I do not know whether it is true, if it was only two. It does not matter for purposes of what I am going to say. He literally said, ''CLAIBORNE PELL and JOE BIDEN.'' Just for me to be mentioned in the same sentence with CLAIBORNE PELL—just to be mentioned in the same sentence—was one of the highest compliments I have received since I have been in the Senate.

I am not in CLAIBORNE PELL's class. Few are. If you will forgive me, as we say, a point of personal privilege here, when I first came to the Senate, I say to the Presiding Officer, I came under circumstances that were not the most ideal. I was not anxious to come. There had been an accident involving my family, and I lost my wife and daughter.

Almost everybody, when I came, embraced me, Democrat and Republican, and they were very generous with their time and their concern. But I remember four people, only one of whom I will name today: CLAIBORNE PELL. CLAIBORNE PELL came to me, and in his inimitable way. He did not do what Hubert Humphrey did. Hubert Humphrey literally came over to my office and sat on my couch and cried with me, I mean literally cried with me. CLAIBORNE PELL did not do that.

I give you my word that there was not a week that went by without him at least twice a week personally coming to me and inquiring of me how I was doing, inviting me to his home, inviting me to stay with him in his home, offering me a room in his lovely home in Georgetown because he knew I commuted and my boys were still in the hospital. And that did not stop when my boys became healthy. That has continued for 24 years. And his wife, Nuala, is equally as wonderful.

In addition to that, CLAIBORNE PELL did something few were able to do for me at the time, and again continuing on this point of personal privilege. He invited me to dinner parties, private parties, private dinners at his home, knowing that it was important for me, in retrospect, just to get out, just to be somewhere with someone. He never did it in a way that made me feel beholden. He never did it in a way as if he were doing me a favor. He never did it in a way other than the way he does everything: in a purely genuine, straightforward, embracing way.

Mr. President, that has characterized everything about CLAIBORNE PELL.

Let me conclude by saying that everything about CLAIBORNE PELL's public life has in fact emulated his private life. There are not many people who can say there is simply no distinction between their private conduct and their public conduct. CLAIBORNE PELL would not say that, but he can say that, and I can say that for him.

The last point I wish to make, and I will elaborate on this later when we finish this treaty or at another time before we leave, is this man is a man who is, to use a trite-sounding phrase, a quiet visionary. This is a fellow who wrote about the transportation system in the Northeast and predicted what would be needed and used a word I

learned as an undergraduate that no one had ever heard of—''megalopolis''—and he talked about Richmond to Boston and what would have to be done to accommodate the needs of this area of the country. He is the guy who came up with the notion of ACDA. He has been the single most consistent, persistent spearheader of the notion of bringing about the diminution of the number of nuclear weapons that exist in this world. He is the man who has been devoted to the notions and concepts embodied in the United Nations. He is a man who has been the leader in education and learning, a man who comes from considerable standing in terms of his own personal wealth and education but has bent down to make sure that people of competence, regardless of their economic status, would be able to achieve the same intellectual competence, capability, and background as he has achieved.

This is a wonderful man, I say to my friends. You all know it. But not many have passed this way who have his personal characteristics and capabilities, and I doubt whether very many will come this way again. I will truly miss his presence in the Senate.

I yield the floor and thank my colleagues.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I appreciate the remarks of the distinguished Senator from Delaware. He was unable to come to a meeting of the Foreign Relations Committee this morning at which we spent 1½ hours paying tribute to this wonderful man, and I agree with everything that Senator BIDEN has said about Senator PELL.

At the meeting this morning, a resolution of commendation for Senator PELL was adopted by standing ovation, and I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF COMMENDATION FOR SERVICES RENDERED BY THE HON. CLAIBORNE DEB. PELL

Whereas Senator CLAIBORNE DEB. PELL has been a member of the Committee on Foreign Relations since January 8, 1965; served as Ranking Minority Member from January 5, 1981 until January 6, 1987; served as Chairman from January 6, 1987 until January 3, 1995; and served again as Ranking Minority Member from January 4, 1995 until the present;

Whereas by serving as Chairman of the Foreign Relations Committee, Senator Pell became the second Rhode Islander, following The Honorable Theodore F. Green, to serve the State of Rhode Island as Chairman of this distinguished Committee;

Whereas as a Member and Chairman of the Committee Senator Pell has always been courteous, extending to all Members true respect for their views, and leaving an indelible mark on the Committee as a true gentleman of diplomacy;

Whereas in the discharge of his duties as chairman, Senator Pell has at every opportunity encouraged the development and furtherance of a bipartisan foreign policy;

Whereas Senator Pell, having served on the International Secretariat of the San Francisco Conference which drew up the Charter of the United Nations, has always worked to find international solutions to global problems in such areas as the environment, the oceans, climate control, human rights, the plight of refugees, and the rights of oppressed minorities throughout the world;

Whereas Senator Pell has steadfastly argued for greater contact and dialogue between all nations so as to reduce tensions, resolve differences, and promote the development of democracy, advocating negotiations and diplomacy as an alternative to armed conflict and military action;

Whereas Senator Pell has been instrumental in the initiation of arms control accords such as the Environmental Modification Treaty and the Seabed Arms Control Treaty, in the successful Senate consideration of numerous arms control treaties with such goals as the limitation, reduction and elimination of various classes of nuclear weapons, in the passage of legislation to restrain the proliferation of weapons of mass destruction, and in the inception, fostering and strengthening of the Arms Control and Disarmament Agency;

Whereas Senator Pell, through his energy and vision, has contributed immeasurably to the development of United States leadership in world affairs and the establishment of better relations among nations;

Whereas Senator Pell has announced his intention to retire from the Senate in January 1997; and

Whereas Senator Pell's leadership and wisdom will be sorely missed by his colleagues on the Committee and his many friends in the Senate: Now, therefore, be it

Resolved, That the Committee on Foreign Relations expresses its warm and deep affection for Senator Claiborne Pell, its profound appreciation for his devotion to duty and its sincere gratitude for the outstanding service which he has rendered to the Committee, the Senate, the United States of America, and to the entire world through his great ability, initiative, and statesmanship.

EXECUTIVE SESSION

INTERNATIONAL NATURAL RUBBER AGREEMENT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 23, which the clerk will report.

The legislative clerk read as follows:

Treaty Document 104–27, the International Natural Rubber Agreement of 1995.

Resolved (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995, subject to the following declaration:

It is the sense of the Senate that ''no reservations'' provisions as contained in Article 68 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

The PRESIDING OFFICER. Under the previous order, the pending business is the resolution of ratification. The previous order provides that the proposed declaration to the resolution is agreed to. Debate on the resolution is limited to 1 hour, of which 30 minutes is under the control of Senator PELL and Senator HELMS, 30 minutes under the control of Senator BROWN.

Who yields time?

Mr. HELMS. Would the Senator like to go first?

Mr. PELL. The Senator should.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, please advise me when I have used 10 minutes.

Mr. President, one of the most important responsibilities of the Senate Committee on Foreign Relations, and specified as such under the Senate rules, is to consider measures that ''foster commercial intercourse with foreign nations and safeguard American business interests abroad.''

Throughout the 104th Congress, I have placed a high priority on measures that promote American commercial interests in the United States and overseas. During this Congress the Foreign Relations Committee has reported six bilateral tax treaties providing for reduced withholding tax liabilities and protection against the double taxation of American goods and services.

During this Congress, the Foreign Relations Committee also reported nine bilateral investment treaties, or BIT's, as they are known around the world. BIT's between the United States and other countries can have an enormous impact in opening doors for American business in less developed markets. To date, the Senate has overwhelmingly approved all of the bilateral tax and investment treaties reported from our committee during the 104th Congress.

Today, the Senate is considering yet another treaty that expands opportunities for U.S. business and protects American jobs. This treaty, the International Natural Rubber Agreement (INRA) is designed to stabilize product and prices of natural rubber. This agreement has been in effect for 16 years and has proved a useful tool for maintaining a relatively stable supply of natural rubber at a fairly consistent price. The pending treaty would extend the agreement for an additional 4 years.

This commodity agreement essentially reauthorizes a buffer stock that stabilizes the price of natural rubber. The buffer stock is designed to buy and sell rubber in order to keep the price within 15 percent of a reference price established annually based on the market. The stock is financed by direct cash contributions from its members, who are both producers and consumers of natural rubber. Absent the development of a mature futures market for natural rubber, the agreement ensures predictable supplies of natural rubber priced at annual market rates.

Virtually all Americans, whether aware of it or not, depend on rubber products every day of the week. Any American who drives a car, or rides a

bus, or takes a taxi to work relies on rubber products. Many Americans may not be aware that we are completely dependent upon foreign countries for our supply of natural rubber. In fact, synthetic rubber products still require some natural rubber.

Here is the point. Seventy-five percent of all natural rubber is grown in only three countries—Malaysia, Thailand, and Indonesia. About 80 percent of natural rubber is grown by small farmers, and it requires seven years for new rubber trees to reach full production level. Thus, a drastic reduction in rubber prices could force small farmers to convert their crops to more profitable commodities such as palm oil. Since natural rubber takes seven years to mature, valuable time could be lost before the market was once again provided with a reliable supply.

In terms of jobs, the president of the Rubber Manufacturing Association testified before the Senate Foreign Relations Committee that the livelihood of more than 100,000 employees, and the thousands of suppliers to the rubber industry and its customers, depends on available supplies of natural rubber and the continued production of finished products. By keeping the cost of tires—and other rubber products that we all depend upon—relatively stable, U.S. consumers benefit directly from the agreement.

Ensuring that small farmers will continue to grow rubber is therefore essential to ensuring an adequate supply level for the United States. One of the main reasons the United States signed the original agreement, it is known in short form as INRA—with broad bipartisan support—and its renewal in 1987, was to encourage producers to invest in planting new trees and to continue to harvest rubber to meet the projected increases in worldwide demands. Since the original INRA, production of natural rubber has doubled to keep pace with a similar rise in consumption of rubber products.

Senate ratification of this treaty is essential to ensuring market stability as the United States and other consuming countries transition to a system that relies on private sector institutions to manage market risk. In a letter to me, dated January 22, 1996, the State Department said it ''shared industry's and labor's concern that a precipitous end to the accord would be disruptive.'' As we know all too well in Washington, private institutions do not replace public institutions overnight—much as we might like to see it be otherwise. INRA III will bridge the period of transition and decrease the potential for disruption of the natural rubber supply during the four year period in which the treaty will be in force.

Membership in INRA has proved to be profitable to the U.S. Treasury. The original International Natural Rubber Agreement [INRA] was funded by the United States in 1980 with a contribution of $53 million. Since that time, the U.S. contribution has increased through profit and interest by $25 million and now stands at $78 million. Given this record it is evident that the U.S. Treasury will benefit directly from its membership in the International Natural Rubber Organization [INRO] in more ways than ensuring an adequate supply of natural rubber. When the U.S. contribution to the INRO is returned to the Treasury in four years, we can expect the U.S. share of INRO to have grown beyond its current level of $78 million.

Commitment to INRA III will be funded without additional appropriations from the United States. According to the Office of Management and Budget, in a letter to me dated August 8, 1996, ''because rolling over U.S. government resources currently in the INRO Buffer Stock Account will not require any legislation, ratification of INRA 1995 will not be subject to pay-as-you-go budgetary procedures, and will simply change the timing of the return of these assets to the U.S. Treasury.''

According to the Office of Management and Budget, the proposed roll-over of resources in the Buffer Stock Account from INRA 1987 to INRA 1995 is based upon the provisions of INRA 1987, and the 1988 precedent of the Senate rolling over funds from INRA 1979 to INRA 1987. Some annual appropriations are necessary; specifically, the U.S. share of the administrative costs of INRO are estimated to be $300,000 per year.

Finally, Mr. President, the administration, U.S. industry, and this Senator, agree that it is time to move toward a system which relies on private sector institutions to manage market risk. I agree with Senator BROWN on that point. But, consequently, in correspondence with the Secretary of State and during a hearing of the Senate Foreign Relations Committee on June 20, 1996, I stated that industry must begin such a transition. So, this will be the last International Natural Rubber Agreement. However, industry needs sufficient time to create a mechanism and prepare for a smooth transition to such a system. Given the unique production challenges of natural rubber, ratification of INRA III will provide an adequate transition period.

Mr. President, I ask unanimous consent that correspondence to me emphasizing the importance of this agreement be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 8, 1996.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Administration strongly supports U.S. participation in the International Natural Rubber Agreement (''INRA'') 1995 and has asked the Senate to give this treaty prompt consideration and its advice and consent to ratification. This letter is in response to a request from the staff of your committee for our views on the budgetary implications of U.S. participation. In summary, because rolling over U.S. government resources currently in the International Natural Rubber Organization (INRO) Buffer Stock Account will not require any legislation, ratification of INRA 1995 will not be subject to pay-as-you-go budgetary procedures, and will simply change the timing of the return of these assets to the U.S. Treasury.

The Administration proposes to roll over the current U.S. share in the Buffer Stock Account, which totals approximately $78.5 million, from INRA 1987 to INRA 1995 without a new appropriation. (This includes $7.5 million in the Buffer Stock Account and $71 million held in the Surplus Funds Account, which is part of the Buffer Stock Account managed by Rothschild Asset Management Ltd., Singapore.) We believe this amount will be sufficient to cover all likely U.S. government obligations during the life of INRA 1995.

The proposed roll-over of resources in the Buffer Stock Account from INRA 1987 to INRA 1995 is based upon the provisions of INRA 1987, and the 1988 precedent of the Senate rolling over funds from INRA 1979 to INRA 1987. Consistent with the 1988 precedent, such a roll-over does not require any authorizing or appropriation legislation, only treaty ratification and U.S. government consent. Thus, a roll-over of resources in the Buffer Stock Account is not subject to pay-as-you-go procedures established by the Balanced Budget and Emergency Deficit Control Act of 1985.

The U.S. share of the administrative costs of running the International Natural Rubber Organization are estimated to be approximately $300,000 per year. These costs will require annual appropriations, and the State Department's proposed budget for FY 1997 includes money for this purpose in the Contributions to International Organizations account.

The Administration expects that at the end of the four-year duration of INRA 1995, the objectives of INRA will be achievable through the operation of free market mechanisms. Therefore, INRA 1995 is intended to be the last such agreement in which the United States participates, and the U.S. share of the Buffer Stock Account (including buffer stock trading profits and interest) will return to the U.S. Treasury as miscellaneous offsetting receipts at that point. The transfer of U.S. government assets from INRA 1987 to INRA 1995 will not affect the U.S. claim on those assets, but will only change the timing of their return to the Treasury.

Again, the Administration strongly supports U.S. participation in INRA 1995 and awaits consideration of the treaty by the full Senate. We appreciate the support that you have given to this proposal and your expeditious action on it.

Please let me know if you would like any additional information.

Sincerely,

JACOB J. LEW,
Acting Director.

RUBBER MANUFACTURERS ASSOCIATION,
Washington, DC, September 13, 1996.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: Withn the next week or so, the third iteration of the International Natural Rubber Agreement will be brought to the floor of the Senate for ratification.

Supported by both industry and labor, INRA III is, in essence, a routine extension of an Agreement (INRA I) which has been in

effect since 1979. INRA II, essentially a continuation of the first, was submitted to the Senate by the Reagan Administration and approved unanimously by a vote of 97–0. To the extent INRA III differs from its predecessors, it does so in a positive way, by making its economic provisions even more market-oriented, and more automatic than discretionary.

INRA, unlike other commodity agreements, has worked successfully for more than 16 years.

On behalf of the rubber manufacturing industry, I ask for your support of this important Agreement.

Sincerely,

THOMAS E. COLE,
President.

UNITED STEELWORKERS OF AMERICA,
RUBBER/PLASTICS INDUSTRY CONFERENCE,
Akron, OH, September 11, 1996.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: On behalf of the 97,000 members of the Rubber/Plastics Industry Conference of the United Steelworkers of America, I urge you to support ratification of the International Natural Rubber Agreement (INRA III) when it comes to the Senate floor in the near future.

For the last 16 years, INRA has successfully met its primary objective of assuring an adequate supply of natural rubber for the world. In fact, since INRA began, global natural rubber production has increased 50 percent. This is especially important for the U.S. as the world's largest consumer of natural rubber.

Assured supplies of natural rubber are particularly critical to the tire and rubber products industry and our union members. To put it simply, you cannot manufacture such products for our varied civilian and military transportation needs—or provide jobs in this vital industry—without natural rubber. Contrary to a common misconception, there is no substitute for this critical industrial input. If future supplies of natural rubber are inadequate, there can be no question that job disruptions and losses among our members would result.

Also, consumers would be severely impacted. Every one cent increase in the price of natural rubber costs the U.S. tire industry $22 million on an annualized basis. Thus, consumers could face tremendous price increases for tires and other rubber products, and could very well face shortages.

In the final analysis, the United States is one of the only countries among the 28 nations covered by the treaty that has not yet ratified it. We must do so by the end of this year or the agreement that has served the world so well for almost two decades will die. The Senate has previously recognized the importance of INRA as reflected in the 97–0 vote in favor of ratification when INRA was last renewed in 1988. I urge your support on this matter of critical importance to our union, its members and families—and the consumers who purchase the products we produce.

Sincerely yours,

JOHN SELLERS,
Executive Vice President.

BRIDGESTONE/FIRESTONE, INC.,
Wilson, NC, September 16, 1996.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I am writing on behalf of Bridgestone/Firestone, Inc. and the 2,200 employees of the Wilson Plant to reiterate our strong support for the ratification of the Third International Natural Rubber Agreement (INRA III), which is scheduled for vote by the Senate this month. This will continue a treaty that has effectively served the needs of the U.S. tire industry.

Natural rubber is a strategic commodity for the production of tires as well as for a wide variety of other products. For the past 25 years, the International Natural Rubber Organization (INRO), which operated under the authority of the INRA Charter, has helped ensure a stable price and long-term supply of natural rubber, benefiting both producers and buyers of natural rubber. Without this stabilizing influence, we believe that the international rubber market could easily be disrupted, jeopardizing the availability of natural rubber and long-term damage to the industry.

INRA is different from many other commodity agreements. First, it uses a ''buffer stock'' mechanism (rather than export controls or market quotas) to dampen the swings in market prices that can hurt both producers and consumers. Second, the price intervention levels are directly and automatically linked to free market trends. Third, and perhaps the most important, it has worked.

During the last several years, much time and effort has been spent to achieve the consensus among producing and consuming countries embodied by this new agreement. We believe that a reasonable compromise among the parties has been reached in the adopted INRA III document, and that its ratification will serve the interests of the U.S. tire and rubber industry.

As a major U.S. tire manufacturer and an employer of 2,500 in North Carolina and nearly 35,000 nationwide, we urge you to vote for the ratification of INRA III by the U.S. Senate. We are eager to provide whatever assistance or information may be required to assist you in attaining this goal.

Sincerely,

JOHN MCQUADE,
Plant Manager—Wilson.

KELLY SPRINGFIELD TIRE CO.,
Fayetteville, NC, January 26, 1996.

Hon. MICHAEL KANTOR, *Ambassador,*
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: I have been working very closely with Senator Jesse Helms on the International Natural Rubber Agreement (INRA) since before Thanksgiving. Success in getting the Agreement renewed is crucial to the future health of North Carolina's large tire industry and our plant, in particular, which is the largest in the world.

It is my understanding that the Administration will sign INRA III shortly and send it to the United States Senate for its advice and consent. This would not have occurred without your personal support and leadership.

Thank you, Ambassador Kantor, for all your efforts in moving INRA III forward.

Sincerely,

J.R. KONNEKER.

Mr. HELMS. In order for the United States to retain its membership in INRO, the United States must ratify INRA 1995 prior to the end of 1996. I ask that the Senate move expediently to a vote on this treaty.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio. Who yields time? The Senator from Rhode Island?

Mr. PELL. Mr. President, I yield 8 minutes to the Senator from Ohio.

Mr. GLENN. I thank my distinguished colleague from Rhode Island.

Mr. President, I rise today also to speak on behalf of Senate ratification of the third International Rubber Agreement, INRA III.

As my colleagues are well aware, INRA III is a renewal of an existing commodity agreement. This is not new. It has been in existence between more than two dozen nations who are either producers or consumers of natural rubber. The first INRA was ratified in 1979. It was renewed in 1987. INRA III was negotiated in 1994–95 with the very active participation of the United States. According to the Department of State.

. . . the objectives pursued by the United States resulted in a well-structured accord which offers a fair balance of benefits and responsibilities for both consumers and producers of natural rubber.

In the negotiations, the United States sought and achieved a number of improvements in the new agreement. After a very lengthy interagency review, INRA III was formally signed by the United States and sent to the Senate for our ratification.

United States participation in INRA has been supported by Republican and Democratic administrations, including those of Presidents Carter, Reagan, Bush, and Clinton. So it has enjoyed broad bipartisan support in the Senate when INRA I and INRA II were considered.

This year, the Senate Foreign Relations Committee recommended ratification of INRA III by a near unanimous and bipartisan majority. The agreement is strongly supported by the Rubber Manufacturers Association and by the Rubber/Plastic Industry Conference of the United Steelworkers.

Mr. President, more than two-thirds of the world's production of natural rubber comes from just three countries: Thailand, Malaysia, and Indonesia. The purpose of INRA is very simple. It is to ensure an adequate supply of natural rubber at fair and stable prices without distorting long-term market trends and to foster expanded natural rubber supplies at reasonable prices.

As Secretary of State Christopher points out in his letter of submittal accompanying the agreement:

Prior to conclusion of INRA 1979, rubber prices had historically been unstable with strong rises.

This was particularly noticeable, Mr. President, in 1951, in 1955, in 1960 and in 1973, 1974, followed by sharp and sudden declines. ''This behavior not only destabilized producers' incomes, but also contributed to inflation in industrial countries.'' That was a statement by Secretary of State Christopher.

So those ups and downs in 1951, 1955, 1960, 1973 and 1974 are what led to INRA being passed in 1979.

The Secretary continued:

In addition, it discouraged needed long-term investments in natural rubber production. This was and is of particular concern to the United States which, as the world's largest consumer of natural rubber, has a substantial interest in assuring adequate future supplies of this commodity.

In other words, what that says in simpler terms is, it's good for the consumers of this country that we have this kind of supply arrangement that does not permit price fluctuations.

In contrast with other commodity arrangements which have sought to control prices, INRA uses a buffer-stock mechanism to avoid severe price fluctuations which can injure both producing and consuming countries. Absent alternative institutions to manage market risk, the agreement represents the best way of assuring predictable supplies of fairly priced natural rubber. INRA III will provide a transition period needed to allow industry time to prepare for a free market in natural rubber and to allow for the further development of these alternative institutions.

That is very important. I already pointed out why to my colleague from North Carolina, because the fact is this will be the last INRA. After this, we go to a free market, and this time period for this INRA that we are going to approve today, I trust, will provide for arranging for development of these alternative institutions.

INRA has effectively discouraged cartel-like behavior on the part of the producing countries by supporting prices sufficient to ensure adequate production, as well as a fair return to the producer, while giving consuming countries an equal voice in how this unique commodity agreement is implemented.

The best part about it is, Mr. President, it has worked, it has been successful. Over the life of INRA I and II, production has increased by 50 percent to meet rising demand, yet prices have remained relatively stable. That is a great testament to the success of INRA I and II since they have been in effect. I repeat that. Over the life of INRA I and II, production has increased 50 percent to meet rising demand, yet prices have remained relatively stable.

Natural rubber is a component of every tire and many rubber products. There is no substitute. The amount of natural rubber used varies depending on the type of tire or rubber product. All aircraft, as an example, however, including military planes, have tires which contain a high percentage of natural rubber.

The economic impact on our whole Nation of ups and downs in the price of rubber is very real. A 1-cent-per-pound rise in natural rubber prices costs the United States an additional $22 million. Hence, the importance of price and supply stability is readily apparent. Short supplies or unreasonably high prices would be costly to American consumers and could be devastating to the tire and rubber industry in the United States.

I will say, we have a very substantial part of this industry represented in my home State of Ohio.

U.S. participation in INRA III should not require any additional money to cover our share of the buffer stock. It is my understanding the administration and the Senate are agreed that we will roll over moneys already invested in the buffer stock. This arrangement seems the simplest and most sensible means of addressing the financing question and is the same procedure which was used successfully for the transition from INRA I to INRA II.

In closing, Mr. President, as the world's largest consumer of natural rubber, U.S. participation in INRA III is critical to the continued viability of the arrangement. I urge my colleagues to approve INRA III in the broad, bipartisan fashion which has characterized consideration of this issue to date.

Mr. President, I yield back the remainder of my time to Senator PELL.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the Senator.

Mr. President, this is the second extension of a treaty that has already been approved by this body on two separate occasions: in 1980 on a vote of 90 to 1, and in 1988 on a vote of 97 to 0.

The purpose of this treaty is to stabilize the supply and price levels of natural rubber in the world market. Through a buffer-stock mechanism, the treaty assures that natural rubber will be available to the United States in sufficient supply and at reasonable prices.

Mr. President, securing a reliable supply of natural rubber at fair prices is essential for our tire and rubber industry. As a letter from treaty supporters put it, ''you cannot manufacture such products for our varied civilian and military transportation needs—or provide jobs in this vital industry—without natural rubber. Contrary to a common misconception, there is no substitute for this critical industrial input. If future supplies of natural rubber are inadequate, there can be no question that job disruptions and losses would result.''

This treaty is extremely important because 75 percent of the world's natural rubber supply is produced in just three countries—Thailand, Indonesia and Malaysia—and the United States is, by far, the world's largest importer of natural rubber. Since natural rubber is a commodity whose production is strictly limited by climate, without this treaty, the United States could be subject to great market volatility.

On the one hand, one possible problem could be the formation of cartels that could push the price of rubber way up, almost beyond reach; on the other hand, at the other extreme is a danger that rubber production could become unprofitable, and there would be a disruption in supply. This treaty charts the way between these two extremes.

The INRA addresses these issues not by eliminating market pricing and production, but by restraining some of the volatility. INRA's buffer-stock mechanism goes into action only when prices move beyond 15 percent above or below the reference price. That reference price is adjusted annually to reflect long-term market trends.

Under the Reagan administration, the U.S. Trade Representative distinguished the rubber agreement from other commodity agreements by stating the following:

> Experience shows that most arrangements with economic measures have not worked and often result in market disruptions by attempting to support prices at unrealistic levels.
>
> In contrast, however, the rubber agreement has been successful in moderating price fluctuations through a market-oriented mechanism that operates consistent with market trends.

My colleague from Ohio put out a very important figure in terms of the impact of rapid price fluctuations. Every 1-cent increase in the price of natural rubber is estimated to cost the U.S. tire and rubber industry $22 million on an annualized basis.

This agreement is strongly supported not only by U.S. tire and rubber manufacturers, but also by organized labor—the people who work in the tire and rubber manufacturing industry. It has been supported by four successive administrations: Presidents Carter, Reagan, Bush, and Clinton. We have the benefit of 16 years of experience with this treaty to know that it can and does work.

Mr. President, it would be a great mistake if we did not take advantage of this opportunity to give our advice and consent to ratification of the International Natural Rubber Agreement. I urge my colleagues to do so. I yield the floor.

Mr. HOLLINGS. Mr. President, I rise in support of the International Natural Rubber Agreement [INRA] and urge the Senate to ratify this agreement. This is the third INRA. The first two agreements were ratified by this body by overwhelming margins in 1980 and 1988. The third agreement merits that same level of support.

Since entry into force of the first agreement, INRA has effectively met its basic purpose: to encourage cultivation of natural rubber by reducing market volatility and thus ensuring adequate supply. Unless INRA is ratified, we will return to the unstable price situation that characterized the period before the first INRA went into effect. Price volatility discourages investment in natural rubber production, which in turn affects supply. Rubber trees can only be grown in a few areas of the world and production does not begin until at least 5 years after the trees are planted. Therefore, a reduction in planting has a long, adverse effect on supply.

As the world's largest consumer of natural rubber, the United States has a particularly strong economic interest in assuring stability and adequate supply for the future. Natural rubber is an essential product for which there is no

substitute. Seventy-five percent of the world's rubber production is used in the manufacture of tires. Every tire must contain some amount of natural rubber in order to meet required performance and quality specifications. If U.S. rubber manufacturing plants cannot obtain adequate supplies of natural rubber, jobs will be disrupted and consumers will face increased prices. In South Carolina alone, more than 10,000 workers are employed in the rubber manufacturing industry.

The administration has proposed funding INRA by rolling over the existing U.S. share of the buffer stock. I endorse this proposal. A rollover is specifically permitted under the terms of INRA. This was the method used when the second INRA was ratified. Based on historic experience, these funds should be adequate to meet our obligations under the third INRA. And these funds will be returned to the taxpayers when the agreement terminates.

I urge my colleagues to support the resolution of ratification.

Mr. HEFLIN. Mr. President, I rise in support of the resolution of ratification of the third International Natural Rubber Agreement [INRA]. The purpose of INRA is to assure adequate supplies of natural rubber by stabilizing natural rubber prices without distorting long-term market trends. It accomplishes this through the operation of a buffer stock which buys and sells natural rubber whenever the price falls outside of a market-based price band. The INRA benefits both producers and consumers of natural rubber.

Natural rubber is a critical material used in virtually every tire and many rubber products made in the United States. There is no material that can serve as a complete substitute for natural rubber. The United States is the largest consumer of natural rubber in the world, and adequate supplies are critical to major U.S. manufacturers such as the automotive industry. For 16 years, the United States has benefited substantially from the market stability which resulted from the operation of the two previous INRA agreements. Failure to ratify the third INRA is likely to result in price volatility and supply shortages. This in turn will have serious adverse consequences for workers and consumers across the country and in my own State.

Alabama is a major producer of tires and other rubber products. Companies manufacturing these products have invested an estimated $1.5 billion in their Alabama facilities. They employ nearly 6,000 workers. The price volatility and supply shortages that would follow if INRA is not ratified would have an immediate impact on these workers. And the price effect of short supplies would soon be felt by consumers.

INRA has the support of the Rubber/Plastic Industry Conference of the United Steel Workers of America as well as the tire and rubber products industry. Other major consumer and producer nations have already approved INRA. Our action today will allow this beneficial agreement to go into effect.

Finally, the administration is not requesting an appropriation of funds to carry out this agreement. Rather it proposes rolling over the U.S. share of the buffer stock under the second agreement to carry out our obligations under the third agreement. This is precisely the course of action taken when the second INRA agreement was approved. When the agreement ends, these funds will return to the Treasury.

Mr. President, I urge the Senate to support INRA.

Mr. SHELBY. Mr. President, today the Senate is considering ratification of the International Natural Rubber Agreement. This agreement will impact large sectors of our economy, primarily those for which natural rubber is a vital interest.

The first International Natural Rubber Agreement was ratified in 1979 by all major rubber producing and consuming countries. The second agreement was ratified in 1988 and expired in December 1995. The purpose of renewing this agreement is to stabilize the price of natural rubber and to guarantee adequate supplies. The agreement accomplishes this through the International Natural Rubber Organization which maintains a natural rubber buffer stock from which the organization may purchase or sell natural rubber to help control the volatile price.

Agricultural growth for natural rubber is limited to a small area around the equator, and it takes 5 to 7 years to cultivate this product. Seventy-five percent of the world's natural rubber is grown in just three countries—Thailand, Indonesia, and Malaysia. I generally do not favor Government intervention in the marketplace to stabilize prices, but failure to ratify this agreement could lead to a few small countries colluding to fix natural rubber prices. Even small fluctuations in the price of natural rubber have a significant impact on American industry; a one-cent increase in the natural rubber price costs industry $22 million. Sharp fluctuations in the natural rubber price will, in turn, impact American consumers heavily.

Moreover, this program is not draining the taxpayers' money; the original U.S. contribution was $53 million and our share of the organization has grown to $78 million. When the INRA terminates, these funds will be returned to the Treasury.

The Government should play a minimal role in regulating or controlling the price of any commodity. There are rare circumstances where, for the sake of American consumers, it is permissible for the Government to ensure the stability of certain commodity prices, and this is one of those circumstances. I urge my colleagues to support this agreement.

Mr. ROBB. Mr. President, I rise in support of ratification of the International Natural Rubber Agreement [INRA III].

For the last 16 years, INRA has provided the consuming nations of the world with a reliable supply of natural rubber at stable prices. The United States, as the world's largest consumer of natural rubber, has much to gain from the stabilization provided by the agreement. Many believe that the tires and other rubber products U.S. consumers use daily do not need natural rubber. But that is simply not the case.

Natural rubber is, in fact, a critical material in the manufacture of most rubber products. Aircraft tires used by the U.S. military have a particularly high percentage of natural rubber and it just so happens the world's largest aircraft tire plant is located in Danville, VA. At least a third of the plant's production provides aircraft tires to the U.S. military, and this production depends on the availability of natural rubber.

U.S. consumers and workers also have much to gain from renewal of INRA. Every one-cent rise in the price of natural rubber costs the U.S. tire and rubber industry $22 million on an annualized basis. Such cost increases will inevitably lead to higher prices for consumers and possible shortages and potential job losses.

On behalf of the nearly 4,000 workers in Virginia that are employed in the tire and rubber industry and for the broader economic and defense preparedness interests of the United States, I urge the favorable consideration of the International Natural Rubber Agreement.

In closing, I ask unanimous consent that a letter I sent to National Security Adviser Anthony Lake be printed in the RECORD, as well as his return reply.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 12, 1996.

Hon. W. ANTHONY LAKE,
Assistant to the President for National Security Affairs, The White House, Washington, DC.

DEAR TONY: I wanted to convey my strong support for the International Natural Rubber Agreement [INRA], and urge that the National Security Council expedite its review of the accord and submit it to the Senate for its advice and consent.

The INRA serves an important purpose in ensuring an adequate supply of rubber to U.S. corporations using this product in bulk in their manufacturing operations. The Chairman of Goodyear Tire & Rubber Company, Mr. Stan Gault, visited my office yesterday to emphasize that very point and explain how important extension of the rubber pact is to his corporation. Should the pact not be renewed, our industrial base would face serious production and supply shortages, and the American consumer would ultimately be forced to pay higher prices.

The Senate supported renewal of INRA in 1988 by a wide margin, 97–0, and I believe there is a consensus to support extension of the pact once again. I hope the White House can submit the accord to the Senate in short order so that we can move ahead.

Sincerely,

CHARLES S. ROBB.

THE WHITE HOUSE,
Washington, DC, July 3, 1996.

Hon. CHARLES S. ROBB,
U.S. Senate,
Washington, DC.

DEAR CHUCK: I am writing in response to your letter urging support for renewal of the International Natural Rubber Agreement (INRA). I fully agree with you on the importance of providing adequate natural rubber supplies, at reasonable prices, for U.S. manufacturers to ensure U.S. consumers pay reasonable prices for rubber-related products.

I am pleased to report that on June 19, President Clinton transmitted the INRA to the Senate for advice and consent. The new agreement incorporates improvements sought by the United States to help ensure that the INRA fully reflects market trends and is operated in an effective and financially sound manner. We believe that renewal of the agreement will provide the transition period necessary for the industry to prepare for a free, open market in natural rubber.

We appreciate your interest in this important matter.

Sincerely,

ANTHONY LAKE,
Assistant to the President For National Security Affairs.

The PRESIDING OFFICER (Mrs. FRAHM). Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I yield myself 20 minutes.

Madam President, the advocates of this treaty have come to the floor with the suggestion that this measure has been considered and approved by large margins in the past. That assertion is correct. It has been. They have come with the assertion and the implication that the American companies that buy rubber products support this agreement. Madam President, I believe that assertion is largely correct as well.

They have come to the floor with the assertion that this measure has broad support of rubber producers. And I believe that assertion is correct as well. They have come to the floor and suggested that, implied that the labor organizations that work for the big rubber companies may support this agreement. Madam President, I believe that assertion as well is correct.

This country has had experience with cartels. It is not new. It is as old as commerce is itself. It is perhaps a most natural inclination that could come about. One who reads Warren Buffett's books, in terms of investing, is quickly impressed with his understanding of the market. And one of the things he looks for is markets where there is not competition or there is reduced competition, where it is possible for the industry to have a greater margin because of the limited competition—or the franchise, as he refers to it.

The simple fact is, if you have a very competitive commodity market, margins, that is, profits, tend to be less than they are if it is a somewhat protected market. It is natural and understandable that businesses and entrepreneurs would seek to limit competition, would seek to minimize risk. That is human nature. And it is a way to maximize profits.

Madam President, I think our responsibilities go further than simply responding to big labor or to big business or to large producers of rubber. Our responsibilities go to the consumers of this country and the citizens of this country as well. We have had experience in recent years with cartels. When we have a limited number of producers, and they organize and they work together to control prices, we have seen what happened.

The lessons of the 1970's in dealing with the oil cartel was a dramatic reminder to the Americans of what happens when competition is reduced. The oil cartel was an association of oil-producing companies that conspired together to dramatically increase oil prices; and they did it. It had a dramatic and shocking impact on the consumers of America, and, as a matter of fact, the economy of the entire world.

We have a number of other examples where countries have talked about developing cartels. Thankfully, they have been resisted. As a matter of fact, the distinguished chairman of the Foreign Relations Committee is one who has been a key fighter in the effort to eliminate many of these cartels. I think Members and American citizens will be surprised to learn that many of these cartels' efforts to control the market had the blessing of the Federal Government.

The coffee association. Ironically, this country produces very little coffee, but we have been a member of what was an attempt to develop a coffee cartel. One can understand why the producing country would want a coffee agreement that would limit competition of their product, but why in the world would the United States want to be a member of it? We import coffee.

The distinguished chairman of the committee played a key role in helping us eliminate the coffee cartel. Imagine taking American taxpayers' money to participate in a cartel that had the impact of boosting the price Americans have to pay for coffee.

When that agreement was proposed by administrations—and it had been proposed by administrations in the past—it was not the American taxpayer they were looking out for. They were responding to the special interest groups that had found a way to limit competition. I do not condemn people for looking out for their own economic interest, but I do think it is wrong for American legislators to think that their responsibility goes only to respond to those special interests.

This Congress in the last few years has played a key role in eliminating some of these cartels or efforts to limit competition. International organizations designed to help control, manipulate the price of coffee or jute or other products that we import have fallen by the wayside, and great progress has been made when we focus on them.

Now what comes to the floor is an agreement on rubber. Madam President, some facts are painfully clear. One, the United States does not produce rubber. We are an importer. We are a consumer of rubber. Is rubber important? It has been alleged so. The answer by the advocates of this treaty is yes. Madam President, I agree completely. Of course natural rubber is important, important in the world economy and important in our economy.

They have alleged that the rubber agreement will help producing countries. Madam President, I agree. It will help the producing countries because it will help them get a better price for their product.

They have alleged that the rubber agreement will help the tire companies and the rubber processors in this country. And, yes, I agree, it will help them.

It will bail out rubber producers by protecting them against lower prices, because, you see, the way the agreement is set up is, we put up the money with other countries, and when prices get lower or are attempted to be dropped, the association will step in and buy rubber at a low price. That does help the producers. It will help the tire companies. They have a huge investment in inventory. That investment in inventory is at risk because it can drop. By stabilizing the price, keeping it from getting too low by buying up inventory when there is a big supply, it will help those tire companies from ever suffering a loss on that inventory or at least some of the dangerous suffered loss on that inventory.

It will also protect them against competition because when they are out there trying to maintain a high price, and the price of rubber falls, someone else can come in and produce the product and undersell them in the market. So I agree, it is in the interest of the big rubber companies to maintain a restriction on competition, as this agreement implies.

But, Madam President, it is also true that America is the biggest consumer. It is in our interest to have low prices, not high prices for rubber. How in the world do you justify taking taxpayers' money—in this case $78 million of money—to be used to guarantee that prices do not get too low?

Are we standing up for the American taxpayer when you do that? I do not think anyone can seriously suggest we are. Yes, I talked to some Members who tell me with great earnestness that if we do not have this agreement, if we do not guarantee the producers against the possibilities of low prices, that maybe nobody will produce rubber at all. Madam President, if they believe that—and I believe many of them who said that are sincere; I do not count the chairman of the committee in that group—but there are Members who do believe that the market system would not work without Government controls and without Government assistance and that indeed people might go out of business in producing rubber and we would not have any rubber at all if we did not have Government interference. And if they believe that, they will want to support this agreement.

But, Madam President, the history of economics is quite clear. When the economic system provides rewards and a good price, people want to produce it because they want to make money. And when it does not, they drop production and cut back. And that responsiveness is what makes the market system work. And the reality is, that

product after product after product that is produced in the American marketplace responds to market incentives, and that far from going out of business, this will make it more healthy if we eliminate the agreement.

Madam President, I hope as Members vote they will ask themselves some questions. Will producers not produce without Government subsidies? The advocates of the treaty will tell you yes. I think the facts are quite clear, in the industries across our land, production is not dependent on Government subsidies. It is a function of the marketplace and marketplace incentives. Will tire producers not process tires without Government subsidies?

The advocates of this agreement, some of them, will tell you yes, that there is a danger of people not producing tires in America—or, for that matter, around the world—to meet the market demand unless we have a Government program to subsidize them and stabilize them. Those who believe that will want to support this agreement.

Madam President, the facts belie that allegation. The fact is that a strong, healthy, vibrant economy thrives on competition and is stifled by Government controls and Government subsidy programs. Will buying up rubber supplies lower the price? Here is an interesting question. Will buying up the supplies of rubber, when there is a surplus on the market, increase price or lower price?

The advocates of this treaty have come to the floor and said this agreement will help give us lower prices. If you believe that buying a product in the marketplace will lower its price, then you will want to support this treaty. Madam President, anybody who believes that ought to take Economics 101 or simply use common sense. Buying the product props up the price. That is why the producing countries are interested in this agreement. They want higher prices. That is why they fought so hard for this.

This treaty is simple logic. This treaty is a simple question: If you want to be responsive to the big rubber companies who want to stabilize their product and avoid risk with their inventory, you will want to vote for it; if you want to please big labor who works for those companies and is concerned about the potential of outside competition in their marketplace, you will want to support the treaty; if you want to help out the producers of rubber, who are all overseas, you will want to support the treaty.

But, Madam President, if you are concerned about competition in our economy, you will be concerned about a treaty that reduces competition; if you are concerned about consumers in America, you will want to be concerned about a treaty that guarantees they will not have low prices, because that is the purpose of this measure. Madam President, if you are concerned about the taxpayers of this country, you will have some misgivings about taking $78 million of our taxpayers' money and giving it in subsidies or putting it out in subsidies for these big producers.

This is a vote that people should have no doubt about because the sides are very clear. Big labor, big business, lobbyists for importers, all favor the treaty; people who are concerned about the taxpayers of this country and about the consumers of this country will want to vote against the treaty.

I was concerned particularly about the lesson it sends and the message it sends with regard to our economy. If there is one hallmark of the American economy, it has been a concern about the concentration of power and a commitment to a competitive economy. Our very existence of the antitrust laws comes out of an experience when you had cartels and restrictions on competition. The Sherman Antitrust Act and the Clayton Act and other measures that have come forth in this area have focused on our efforts to ensure we continue to have price competition in products just such as rubber.

In that effort, I sent an inquiry to the Congressional Research Service, the American Law Division. Madam President, I ask unanimous consent to have their entire response to my letter, along with my letter, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 11, 1996.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: Your answers to the questions below concerning the application of United States antitrust law and practice to an organization's business practices would be greatly appreciated.

(1) Under United States antitrust law, is it permissible for 26 competing producers and purchasers of a particular commodity to form a single organization for the purpose of regulating their business interests or activities?

(a) Would the fact that three of the producers provide 92% of the commodity affect your answer to question 1?

(b) Would the fact that three of the purchasers buy 77% of the commodity affect your answer to either question 1 or 1a?

(2) Under United States antitrust law, can an organization of producers and purchasers be formed for any of the following expressed purposes:

(a) To achieve a balanced growth between the supply and the demand for a commodity in order to alleviate difficulties arising from shortages or surpluses of that commodity?

(b) To stabilize a commodity price in order to avoid excessive price fluctuations that might adversely affect the long-term interests of both producers and purchasers?

(c) To stabilize the earnings of the producers of a commodity and to increase their earnings based on expanding the commodity supply at fair and remunerative prices?

(d) To ensure an adequate supply of a commodity to meet purchasers' needs at a ''reasonable price'' (determined by the organization)?

(e) To take feasible steps to mitigate members' economic difficulties in case of a commodity surplus or shortage?

(f) To expand international trade in, and market access for, products derived from the commodity?

(g) To improve the overall competitiveness of a commodity by supporting research and development of commodity-related products?

(h) To facilitate the efficient development of a commodity by improving its processing and distribution?

(f) To promote international cooperation and consultations regarding commodity supply and demand and to coordinate commodity research?

(3) Under United States antitrust law, can an organization of producers and purchasers of a particular commodity set a reference price which establishes a permissible price range for that commodity?

(4) If members of an organization of producers and purchasers of a particular commodity were to contribute substantial funds to establish a large buffer stock of that commodity to enable the organization to intervene in the market to stabilize the supply of that commodity and to defend the organization's reference price, would that violate United States law?

(a) Specifically, would it be permissible under United States law for an organization of producers and purchasers of a particular commodity to establish a buffer stock?

(b) Specifically, would it be permissible under United States law for an organization of producers and purchasers of a particular commodity to use the buffer stock to intervene and regulate the market?

(5) Under United States law, can an organization of producers and purchasers of a particular commodity defend its reference price—support its minimum price—by buying any market surplus of that commodity that causes the commodity price to drop 15% below the organization's reference price?

(6) Under United States law, can an organization of producers and purchasers of a particular commodity sell some of its buffer stock to cover a commodity shortage?

(7) Under United States law, whenever the commodity price is 15% above the reference price, can an organization of producers and purchasers of a particular commodity sell some of its buffer stock to decrease the market price?

(a) If the answer to question 7 is no, please discuss fully what aspects of United States law are violated by the organization's behavior in question 7?

(8) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to decide what grades of that commodity are eligible to be included in its buffer stock?

(9) Under United States law, may an organization of producers and purchasers of a particular commodity penalize members for failing to meet their obligations to contribute to the buffer stock by suspending their voting privileges in that organization?

(10) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to conduct an annual financial audit of its activities?

(a) Would the behavior in question 10 tend to suggest anticompetitive practices? Please explain.

(11) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to require all its members to accept as binding its decisions regarding the market for that particular commodity?

(12) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to have its members formally agree not to limit or undermine in any way the organization's decisions concerning that commodity?

(13) Under United States law, can an organization of producers and purchasers of a particular commodity limit the potential liability of each of its members for the organization's activities to the amount each member contributes to the administration of that organization and to the creation of a buffer stock?

(14) Before supporting the development of a more efficient supply of a particular commodity, is it permissible under United States law for an organization of producers and purchasers of that particular commodity to consider the development's financial implications to all of its producers and purchasers?

(15) Under United States law, is it permissible for an organization of producers and purchasers of a particular commodity to encourage and facilitate ''reasonable freight rates'' as determined by that organization for the purpose of providing a more efficient and regular supply of the commodity?

I thank you in advance for your assistance and consideration of this matter.

Sincerely,

HANK BROWN,
U.S. Senator.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, July 24, 1996.

To: Senate Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, Attention: Jack Saul
From: American Law Division
Subject: Partial Answers to Some Questions About the Antitrust Implications of Forms/Activities of Certain Business Organizations

You have requested that we provide you with answers to several hypothetical questions concerning some activities of business organizations or associations. As we indicated in a conservation with your office, however, many or most of the questions you have submitted cannot be answered definitively by us; we will attempt, therefore, to set out some of the considerations which would be relevant to decisions by (1) the Antitrust Division of the Department of Justice to investigate or prosecute an activity, or (2) a court hearing a complaint (Government or private), and which require us to answer most of the questions with either ''it depends'' or ''probably not.'' A small number of your questions can be answered with probable ''Okays.''[1]

Your first question—''Under United States antitrust law, is it permissible for 26 competing producers and purchasers of a particular commodity to form a single organization for the purpose of regulating their business activities?''—is the basis for all those which follow. Certainly the act of forming an organization comprised of members with like interests is neither unheard of nor automatically (per se) unlawful; that is precisely the rationale for the formation of trade associations or other cooperative activity among competitors that is meant to enhance their business or professional positions. Because the antitrust laws are concerned with competition and not competitors, they are not generally invoked to challenge the existence of organizations, only organizational behavior or activities which may disadvantage consumers (i.e., the ''market''). (For the same reasons, an organization such as the one posited in Question 2 (one formed for the purpose of carrying out the specific purposes set out in Questions 2a–2i), would not likely offend any of United States antitrust laws, although, as we discuss below, and the enclosed article illustrates, the actual carrying out of some of them may constitute violations of those laws.)[2]

Market share data is most generally used with respect to the likely consequences of a merger or acquisition, i.e., with whether the ''effect of [the transaction] may be substantially to lessen competition, or to tend to create a monopoly.''[3] Accordingly, the information contained in Questions 1a and 1b (three producers in the proposed organization supply 92% of the commodity in question; three purchasers in the proposed organization buy 77% of the commodity) would not likely affect the lawfulness of the formation or existence of an organization or association. Those market-share numbers could, however, be determinative of the lawfulness of several of the activities described in your subsequent questions. Because the use of market power has the potential to harm consumers, it has been suggested that the market power of the participants in an organization may be an appropriate starting point in an antitrust analysis of the organization's actions: an examination of an agreement among competitors, for example, should focus on determining whether the agreement's (organization's) provisions ''enrich the participants by harming consumers'' (i.e., ''whether the participants have an incentive to behave in anticompetitive ways'').[4]

Using such a test, and assuming the market-share numbers you offer in Questions 1a and 1b, agreements or by-laws expressing the purposes you set out in Questions 2a–2i, any concerning the establishment or use of ''buffer stocks,'' as well as any that spell out a participant's obligation to act in accordance with organization-designated rules designed to maintain a stable market price for the commodity at issue, would be ideal candidates for close antitrust scrutiny. In addition, use of ''buffer stocks'' to influence or stabilize prices, as would any agreement or action directly or indirectly affecting price, would constitute price fixing under Section 1 of the Sherman Act (15 U.S.C. §1). Notwithstanding its decision in *Broadcast Music, Inc.* v. *Columbia Broadcasting System* that seems to suggest a tolerate for at least some agreements that technically fix prices,[5] the Supreme Court has stated innumerable times that

''The aim and result of every price-fixing agreements, if effective, is the elimination of one form of competition. The power to fix prices, whether reasonably exercised or not, involves power to control the market and to fix arbitrary and unreasonable prices. The reasonable price fixed today may through economic and business changes become the unreasonable price of tomorrow. Once established, it may be maintained unchanged because of the absence of competition secured by the agreement for a price reasonable when fixed.''[6]

Situations similar to those described in questions 4b (use of ''buffer stock'' to ''intervene and regulate the market''), 5 (use of a ''reference price'' and ''buying any market surplus * * * that causes the commodity price to drop 15% below the organization's reference price''), and 7 (sale of some of ''buffer stock'' to cause market prices to decrease when they are 10% above the reference price) have been addressed by the Court in, e.g., *United States* v. *Socony-Vacuum Oil Co.*[7] In that case, the Court declared unlawful a program pursuant to which gasoline companies effectively placed a ''floor'' under prices by purchasing surplus gasoline on the spot market. Noting that the program was instituted in order to prevent gasoline gasoline price from dropping sharply, the Court stated that even if the agreeing companies ''were in no position to control the market, to the extent that they raised, lowered, or stabilized prices they would be directly interfering with the free play of market forces'':

''[U]nder the Sherman Act a combination formed for the purpose and with the effect of raising, depressing, fixing, pegging, or stabilizing the price of a commodity in interstate or foreign commerce is illegal per se.''[8]

As the enclosed article notes, the Court has also taken the position that per se price fixing occurs even when the agreement attempts to decrease a commodity's price (the situation described in Question 7):

''The respondent's [competing physicians who agreed to limit fees charged to certain patients] principal argument is that the per se rule is inapplicable because their agreements are alleged to have procompetitive justifications. The argument indicates a misunderstanding of the per se concept. The anticompetitive potential inherent in all price-fixing agreements justifies their facial invalidation even if procompetitive justifications are offered for some.''[9]

Question 9 (re whether an organization of producers and purchasers of a particular commodity may ''penalize members for failing to meet their obligations to contribute to the buffer stock by suspending their voting privileges'') is one of the few to which the answer is ''Probably yes'' *if* the organization rule violated is not one found likely to have an anticompetitive effect.[10] Suspension of organization voting privileges probably does not violate the antitrust laws,[11] and is certainly not likely to considered as a *per se* violation of them.[12] On the other hand, any organization rule directed at maintenance of a ''buffer stock'' is, as noted above, likely subject to antitrust scrutiny; further, a finding that full access to the organization was necessary in order for the denied member to effectively compete in the market could also affect the antitrust lawfulness of a suspension of voting rights.

An annual financial audit of an organization's activities (Question 10) would probably not present an antitrust problem so long as the audit were conducted in a manner that would not permit organization members to achieve any competitive advantage over other members: an audit conducted by a third party, and in which any reported data were aggregated so as not to indicate the source of any particular information would probably pass antitrust muster (Question 10a).

We do not know of any antitrust reason that an organization would be required to support an activity/development it considered not to be in its best interests; accordingly, there would not seem to be any antitrust reason that would prevent an organization from ''consider[ing]'' the ''financial implications to all of its producers and purchasers'' of the ''development of a more efficient supply of a particular commodity'' (Question 14).

Depending upon what is meant by ''encouraging'' and ''facilitating'' ''reasonable freight rates,'' such an activity could subject an organization of producers and purchasers of the commodity to be shipped to antitrust sanctions. If, for example, ''encouragement''

[1] Footnotes to appear at end of article.

and ''facilitation'' translated to an organization-sponsored or -enforced boycott of shippers whose rates the organization did not consider ''reasonable,'' the organization could be considered as a combination in restraint of trade in violation of Section 1 of the Sherman Act;[13] endorsement or encouragement or sponsorship of various pricing schemes in which freight costs are included in the price paid by buyers, on the other hand, have received varying treatment by the courts.[14]

JANICE E. RUBIN,
Legislative Attorney.

FOOTNOTES

[1] We are also supplementing this memorandum with a copy of an article, ''The Future of Horizontal Restraints Analysis,'' by James T. Halverson, reprinted in Collaborations Among Competitors: Antitrust Policy and Economics, Fox and Halverson, eds., Section of Antitrust Law, American Bar Association, 1991, at 659–674. The article discusses at length virtually all of the cases mentioned in our July 22 conversation with your office.

[2] ''The law of horizontal restraints has undergone considerable change in recent years. Starting with the Supreme Court's decision in *Broadcast Music, Inc. v. Columbia Broadcasting System*, 441 U.S. 1 (1979), the courts have become increasingly reluctant to apply a strict rule of per se illegality predicated on particular characterizations of conduct at issue. Instead, the courts have been more willing to explore the economic effects of collaborative conduct between and among competitors under the rule of reason approach. The retreat from the per se rule has led to the development of new legal rules for analyzing horizontal restraints and of more sophisticated microeconomic models to guide the application of those rules.'' Collaborations Among Competitors (note 1) at 655.

[3] 15 U.S.C. §18 (Section 7 of the Clayton Act). See also the Horizontal Merger Guidelines promulgated jointly by the Department of Justice and the Federal Trade Commission on April 2, 1992 (reprinted in a Special Supplement to 62 Antitrust & Trade Regulation Report (April 2, 1992)).

[4] Collaborations Among Competitions (note 1) at 801.

[5] 441 U.S. 1 (1979).

[6] United States v. Trenton Potteries, Co., 273 U.S. 392, 397 (1927).

[7] 310 U.S. 150 (1940).

[8] *Id*. at 221, 223 (emphasis added).

[9] Arizona v. Maricopa Medical Society, 457 U.S. 332, 351 (1982).

[10] ''[T]he courts have long recognized that every association must have some type of limiting rules, criteria, or disciplinary procedures which, when invoked, restrain trade at least incidentally. In determining whether such rules . . . constitute unlawful horizontal concerted refusals to deal, courts typically have examined whether the collective action is intended to accomplish a goal justifying self-regulation and, if go, whether the action is reasonable related to the goal. It also has been considered significant that the members actually making the decision to exclude were not economic competitors of the excluded party.'' ABA Antitrust Section, Antitrust Law Developments (3d ed. 1992) at 86–87 (citations omitted).

[11] But see, Fashion Originators' Guild of America, Inc. v. Federal Trade Commission, 312 U.S. 457 (1941), affirming a Commission cease and desist order pursuant to which the Guild was prohibited from carrying out its plan to penalize (via a boycott of them) Guild members (textile and garment manufacturers) who sold to retailers who sold ''style-pirated'' garments: ''In addition to [violating the edicts of the Sherman and Clayton Acts concerning concerted refusals to deal, and ''narrowing the outlets'' to which garment manufacturers may sell and from which retailers may buy, and requires each manufacturer to ''reveal to the Guild the intimate details of their individual affairs''], the combination is in reality an extra-governmental agency, which prescribes rules for the regulation and restraint of interstate commerce, and provides extra-judicial tribunals for determination and punishment of violations, and thus 'trenches upon the power of the national legislature''. 312 U.S. at 465 (citations omitted).

[12] Northwest Wholesale Stationers Inc. v. Pacific Stationery & Printing Co., 472 U.S. (1985). There, the Court refused to find a *per se* antitrust violation in the expulsion from membership of a member that had refused to abide by the rule of the subject organization (a buying cooperative). The case is discussed is the enclosed article, at page 666.

[13] See note 11 discussion of Fashion Originators' opinion.

[14] See enclosed material copied from ABA Antitrust Law Developments (full citation in note 10).

Mr. BROWN. Madam President, the first question—and I will read a portion of their answer because I think it is quite relevant to this question of this treaty's impact on reducing competition. The question is, under the U.S. antitrust law, is it permissible for 26 competing producers and purchasers of a particular commodity to form a single organization for the purpose of regulating their business activities?

That was an effort to sum up in a question what this rubber treaty, this rubber agreement, is designed for. The American Law Division, I thought, would have a good handle on what U.S. law is, and if this happened outside of the support of the U.S. Senate in the treaty arrangement, would this agreement be legal under antitrust laws? Is what we are about to approve something that is legal under the antitrust laws? Or are we, by approving this treaty, making something that is illegal permissible?

Their answer will be in depth in the RECORD, but I want to quote briefly from their response because I think it is direct and to the point. This is from the American Law Division of the Congressional Research Service:

Because the use of market power has the potential to harm consumers, it has been suggested that the market power of the participants in an organization may be an appropriate starting point in an antitrust analysis of the organization's actions: an examination of an agreement among competitors, for example, should focus on determining whether the agreement's [that is, the organization's] provisions ''enrich the participants by harming consumers'' (i.e., ''whether the participants have an incentive to behave in anticompetitive ways'').

Using such a test, and assuming the market-share numbers you offer in Questions 1a and 1b, agreements or by-laws expressing the purpose you set out in Questions 2a–2i, any concerning the establishment or use of ''buffer stocks,'' as well as any that spell out in participant's obligation to act in accordance with organization-designated rules designed to maintain a stable market price for the commodity at issue, would be ideal candidates for close antitrust scrutiny.

Madam President, in other words, the agreement we are considering today would be an ideal candidate for close antitrust scrutiny.

If Members have a doubt about how to vote, they ought to be concerned that the very kind of agreement we are putting forth here would be a candidate for close antitrust scrutiny. Those are my words which I have interjected.

Continuing:

In addition, use of ''buffer stocks'' to influence or stabilize prices, as would any agreement or action directly or indirectly affecting price, would constitute price fixing under Section 1 the Sherman Antitrust Act.

Let me repeat that, Madam President: ''* * * would constitute price fixing under Section 1 of the Sherman Antitrust Act.''

Anybody who votes on this treaty who thinks they are stocking up for the American consumers ought to think about that, because there is real indication here that what we are about to do would violate the antitrust laws if it were considered on its own merit without the blessings of the U.S. Senate in the treaty format.

They go on to quote from the Broadcast Music versus Columbia Broadcasting decision by the Supreme Court. I will quote their passage that they have selected from the Supreme Court decision:

The aim and result of every price-fixing agreement, if effective, is the elimination of one form of competition. The power to fix prices, whether reasonably exercised or not, involves power to control the market and to fix arbitrary and unreasonable prices. The reasonable price fix today may through economic and business changes become the unreasonable price of tomorrow. Once established, it may be maintained unchanged because of the absence of competition secured by the agreement for a price reasonable when fixed.

Madam President, I am under no illusions that this treaty will be ratified today. I am cheered by recent progress, though, of eliminating some of these international cartels, and I am cheered greatly by the distinguished chairman of the committee and a commitment that this will be the last time this kind of measure comes before the U.S. Senate with regard to rubber. His plea for a phaseout period is a reasonable and thoughtful argument. I appreciate the great support he has given to American consumers as he has dealt with this issue in the past.

Madam President, as Members consider this issue, I hope very much they will ask themselves if they are comfortable in taking $78 million of taxpayers' money to be used to stabilize prices.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. BROWN. I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWN. Madam President, I hope they will ask themselves if they are comfortable taking $78 million of taxpayers' money to help out the big tire companies and the other special interests that will benefit by this. I hope they will ask themselves if they are comfortable in passing or ratifying something that appears to violate our very antitrust laws, if they hadn't put it in the form of a treaty. I hope they will ask themselves whether or not they are comfortable in telling consumers that we are going to protect them against lower prices.

Madam President, this agreement is an embodiment of special interests. There isn't anybody lobbying against the treaty. There have been tire companies lobbying on the hill for it. There have been people interested in higher prices for rubber lobbying for it. There have been representatives of corporations and labor on the hill lobbying for it.

Madam President, there hasn't been anybody lobbying against it. The taxpayers don't really have a lobby. The

consumers don't really have a lobby. No one pays people to come up here and speak for them—except one group. You see, the people who sent us here believed and thought that it was our obligation to stand up for them. I think most of them would be surprised to know that sometimes when they don't have a lobbyist, that voice goes unheard.

Madam President, this agreement is wrong. It is wrong because it is anticompetitive. It is wrong because it is a response to the special interests. It is wrong because it is a misallocation of taxpayers' money. And it is wrong because it sets the bad example for what a competitive economy is all about. At a point in our world's history when the rest of the world is waking up to the advantages of free enterprise and competition, it is a shame to see the United States consider and enact this kind of anticompetitive agreement.

Madam President, I yield the floor and retain the balance of my time.

The PRESIDING OFFICER. Who seeks recognition.

Mr. PELL. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes 47 seconds.

Mr. PELL. Mr. President, I rise to express my strong support for the third International Natural Rubber Agreement, which was reported favorably by the Foreign Relations Committee 3 months ago. After holding a hearing on this important measure, our committee agreed that it would clearly serve the interests of the United States and ordered it reported favorably on a voice vote.

I believe that the Natural Rubber Agreement is a clear example of the way in which both producing and consuming nations of a major natural resource can work together to ensure adequate supply and stable prices. Its primary purposes are to encourage investment in rubber production in order to assure adequacy of supply, and to set up a mechanism to prevent excessive volatility in prices. These functions are particularly important because the United States is the largest importer of natural rubber, while just three countries—Thailand, Indonesia, and Malaysia—control 75 percent of the world's production. Without a mechanism like the INRA, U.S. tire and rubber manufacturers as well as consumers would be more vulnerable to cartel-like behavior that raises prices and creates uncertainty of supply.

U.S. participation in INRA has been supported by four successive administrations, Democratic and Republican alike, and has received the advice and consent of the Senate on two previous occasions. The original agreement was adopted in 1980 by a vote of 90 to 1, and the first extension in 1988 was approved unanimously, by a vote of 97 to 0. The United Steelworkers of America has called ratification of this treaty ''a matter of critical importance to our union, its members and families—and the consumers who purchase the products we produce.'' If the United States fails to ratify this treaty by the end of this year, it could mean the end of an agreement which has served to the benefit of the United States and the world for the last 16 years.

Mr. President, during the course of my service in the Senate I have risen many times in support of treaties that have come under attack. There are currently a number of extremely important treaties pending before the Senate that I deeply regret have not been taken up during this session. The Chemical Weapons Convention is only the most recent example, but several other agreements such as the U.N. Convention on the Law of the Sea, the Convention on Biological Diversity, and the Convention on the Elimination of All Forms of Discrimination Against Women, should also be taken up at the earliest opportunity. I welcome the chance to consider the International Natural Rubber Agreement today, and I urge that it be followed expeditiously by the other treaties I have mentioned.

In closing, let me say that a failure to approve this treaty now would be a great mistake. The objections that have been raised are not borne out by our experience with this agreement, and I urge my colleagues to join me in giving their advice and consent to its ratification.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BROWN. Madam President, my distinguished friend from Rhode Island has summarized the case well, and, as is always the case, he is a very accurate describer of events and facts. In this case, I find myself coming to an opposite conclusion. But I continue to admire his commitment to a sound presentation.

Madam President, I want to indicate that I think he is right that both Democratic and Republican administrations in the past have supported the agreement. I indicate that he is right. I think both the large corporations and the unions—at least it is my information—support the agreement. But, Madam President, I want to invite the Members' attention to what happens if this agreement is not ratified, the specter that the distinguished Senator has raised. What happens? If the agreement is not ratified, $78 million goes back in the Treasury that would be used to prop up prices of natural rubber. In other words, the taxpayers of this country get a $78 million break.

Second, if this agreement is not ratified, we will have lower prices for rubber than we would if the agreement is ratified.

Third, if the agreement is not ratified, we will have greater competition in the marketplace.

Finally, I think if the agreement is not ratified, we will have set an example that this country is serious about competition and its antitrust laws, and we will have renewed a commitment to our consumers. My sense is that returning money to the Treasury, lower prices for consumers, increased competition in the marketplace are good things, and that saying no to the special interests is appropriate as well. So at least in this Senator's judgment, we have a responsibility to vote against the treaty.

I retain the balance of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL. How much time remains?

The PRESIDING OFFICER. There are 5 minutes 30 seconds.

Mr. PELL. I am happy to yield that back.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I yield back all time as well.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

Mr. PELL. Madam President, I ask for consideration of the resolution before the Senate by a division vote.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD. Madam President, is the Senate in executive or legislative session?

The PRESIDING OFFICER. It is in executive session.

Mr. BYRD. Madam President, I ask unanimous consent that the President be notified of the approval of the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Madam President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask unanimous consent to proceed out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CLAIBORNE PELL

Mr. BYRD. Madam President, at the end of this session of Congress, one of the Senate's longest-serving Members will be retiring. Senator CLAIBORNE PELL's sterling 35-year record—actually it is 36 years this year—of dedicated service to the people of Rhode Island and the United States began in 1960, when he was elected to the first of his six terms. He is the third longest-serving Member of today's Senate, after only Senator THURMOND and myself. Yet Senator PELL's service to the United States and to his own strong principles began even earlier.

Senator PELL's life has continued a long and honorable family tradition of service. His father, Herbert Claiborne Pell, was a Congressman and a Democratic State chairman before serving as U.S. Minister to Portugal and Hungary. Other Pell family ancestors include five Members of the Senate or House of Representatives, one of whom, George M. Dallas, also served as Vice President of the United States from 1845 to 1849, during the term of President Polk.

Senator PELL began his own lifetime of service when he was just 22 years old. In 1940, after graduating cum laude from Princeton University, he went to Europe to try and help concentration camp inmates. For his efforts, he was arrested not once but several times by the Nazis. He has never ceased his efforts to assist the suffering. This has been a guiding principle of his service on the Senate Foreign Relations Committee, and underlies the truth of his acknowledged creed as a Senator: ''Translate ideas into action and help people.'' CLAIBORNE PELL has long lived that precept. Four months before Pearl Harbor, he enlisted in the Coast Guard. As an enlisted man and then officer, he was posted to duty stations in the North Atlantic and Sicily. He remained in the Coast Guard Reserve after the war, attaining the rank of captain before retiring in 1978.

After the war, Senator PELL turned his intellect and energies from the waging of war to the building of peace, participating in the San Francisco Conference that established the United Nations. He then served 7 years in the State Department, representing the United States as a Foreign Service officer in Czechoslovakia and Italy. Just as I carry a much-thumbed copy of the Constitution in my shirt pocket, Senator PELL carries in his hip pocket a copy of the United Nations Charter. Wherever you see Senator PELL, you can say, ''There goes the United Nations Charter.''

His passion for peace, born from a tradition of diplomacy and tempered by the brutality of the Nazis and the anguish of world-consuming war, has honed his character and shaped his subsequent legislative legacy.

As elegant in his reasoning as he is in his person, Senator PELL has been a key player in the passage of many pieces of landmark legislation during his years in the Capitol. As befits his background of education and diplomacy, Senator PELL's accomplishments in the fields of education and arms control are most notable, but he also has been instrumental in authoring or ensuring passage of legislation supporting rail travel, curtailing drunk driving, and promoting cultural activities. He is the originator of the High Speed Ground Transportation Act to improve passenger rail service. He is also a founding father of the National Endowment for the Arts and the National Endowment for the Humanities, having served as the principal Senate sponsor of the legislation that created these entities in 1965.

As chairman of the Senate Committee on Foreign Relations, Senator PELL has been influential in securing the passage of major arms control treaties, including the Intermediate Nuclear Forces Treaty that reduced the nuclear arsenals of the Soviet Union and the United States, a treaty to prohibit the deployment of weapons of mass destruction on the sea floor, and a treaty prohibiting the use of environmental modification techniques as weapons of war. I feel certain that he regrets that this, his final session of Congress, will end without the ratification of the Chemical Weapons Convention, the passage of which he has labored so mightily and so long to secure.

Senator PELL's longstanding commitment to universal human rights lends passion to his efforts to stem the spread of chemical weapons as well as to other efforts. He has been a steadfast advocate for diplomacy and multilateral solutions that avoid armed conflict, as well as a strong voice for justice when crimes have been committed against humanity. He opposed the Vietnam war, opposed the gulf war, and called early for the establishment of a war crimes tribunal in Bosnia, just as his father had called for the Nuremburg tribunals after World War II.

On the home front, Senator PELL's appreciation for the benefits of education resulted in perhaps his best known legacy, the Pell grants for education. In 1972, Senator PELL won passage of legislation establishing basic educational opportunity grants. This grant program, which provides assistance directly to low- and middle-income college students, was renamed the Pell Grant Program in 1980, in recognition of Senator PELL's leadership in making college more accessible to deserving students.

Education is the hope of the future, the basis on which civilized society rests. Senator PELL has been active in furthering that principle in his service as chairman and ranking member on the Education, Arts and Humanities Subcommittee of the Labor and Human Resources Committee. He also authored the National Sea Grant College and Program Act of 1966, and he has been instrumental in supporting vocational and special education programs. These efforts, again, illustrate the credo that he has lived by, translating ideas into actions that help people. +

I will now refer to John Milton and his great work, Paradise Lost, which was written after he was totally blind.

In his work, ''Of Education,'' John Milton (1608–74) wrote:

> I call therefore a complete and generous education that which fits a man to perform justly, skillfully and magnanimously all the offices both private and public of peace and war.

By those standards, Senator CLAIBORNE PELL can surely be judged a well-educated man. He has served justly, skillfully, and magnanimously as a human rights activist, soldier, diplomat, businessman, and legislator. He has done so all of his life, as a private citizen and as an elected official. In doing so, he has educated and informed all of us by his example.

Senator PELL has never let his passions override his reason or his courtesy. He has never let the passions of the moment override his principles. And in a time when public service has been belittled and derided, he has never stopped striving to the best of his considerable ability to make the world a safer, more civilized, more educated place.

I think of CLAIBORNE PELL as Mr. Integrity. There is not a false word that he has ever knowledgeably spoken. His word is as good as his bond. His handshake is as good as his bond. And to Mr. Integrity I say I wish him well as he leaves us to enjoy a much-deserved retirement with his lovely wife Nuala and his family.

RETIREMENT OF SENATOR PAUL SIMON

Mr. BYRD. Madam President, as we here in the Senate complete our work in the waning days of the 104th Congress, I would like to take just a few minutes now to note the retirement of Senator PAUL SIMON, one of the finest public servants it has been my privilege to know. Although Senator SIMON is leaving us at the conclusion of only his second term, his accomplishments and his work in the Senate are representative of those who have served far more years.

Anyone who knew PAUL SIMON as a young man must have known that this was someone who was going somewhere, was going to go beyond the norm, someone who was going to succeed despite his modest beginnings.

Consider, for example, that at the tender age of 19, an age when few young men possess the maturity and the passion necessary for such an undertaking, Senator SIMON began his career when he bought the Troy Tribune in Troy, IL, thus becoming the youngest editor-publisher in the Nation. There he made a name for himself by leading a crusade against local crime figures and machine politicians. Eventually expanding his business to a chain of 14 weeklies, Senator SIMON's dedication to the principles of free speech and political reform were solidified as a result of his firsthand experience.

Following his service in the U.S. Army Counterintelligence Corps, which included an assignment along the Iron Curtain during the height of the cold war, the young Senator-to-be returned to the United States and entered legislative politics by winning election to the Illinois House of Representatives in 1954.

Madam President, as a clear signal of the political reformer he intended to be, Representative PAUL SIMON was one

of the first legislators to publicly release his personal financial data, a practice that he has observed ever since. After 8 years in the House, PAUL SIMON moved to the Illinois Senate where he again served with distinction. In addition to gaining invaluable experience in the State legislature, Senator SIMON's illustrious career also includes service as his State's Lieutenant Governor, as a teacher at both Sangamon State University in Springfield and the John F. Kennedy School of Politics at Harvard University and as a U.S. Congressman in the House of Representatives.

I believe that the public life of PAUL SIMON will best be remembered for the passion and the integrity that he brought to his work in the Senate. Let us not forget that it was our colleague from Illinois who was the Senate's lead sponsor of the direct student loan program which President Clinton has cited as one of the major legislative achievements of his Presidency. Let us not forget that it was PAUL SIMON who led the way and won passage of the National Literacy Act, a bill that created national and State literacy centers to improve the education of adults. And let us not forget that it was our same soft-spoken friend who championed the School-to-Work Opportunities Act so that those young citizens who may not go on to college are not left behind. And let us not forget that it was the former newspaper man, for whom the first amendment has always had special meaning, who was willing to take on the broadcast networks and lead the fight to curb television violence.

Despite these numerous accomplishments, I personally will remember with eternal respect and admiration the degree of passion and intellectual intensity that Senator SIMON brought to our several debates over the balanced budget constitutional amendment. Since entering this body in January of 1985, no one has been more outspoken on the need for a constitutional amendment requiring a balanced Federal budget than has my friend, PAUL SIMON.

Of course, no one has opposed it with more intensity than I have opposed it, but that does not gainsay the fact that he was a very worthy protagonist and supporter of that amendment.

Now, Paul—not PAUL SIMON, the Apostle Paul—in his epistle to the Philippians said, and I read from chapter 4, verse 8:

> Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

Madam President, as I look at that bit of Scripture which has been given to us by the Apostle Paul, I think of its application to the life of PAUL SIMON—PAUL SIMON. Paul the Apostle said, ''Whatsoever things are true, whatsoever things are honest, whatsoever things are just.'' I think these typify the life and actions of PAUL SIMON. He is true; he is honest. I cannot even imagine PAUL SIMON ever doing a dishonest thing or ever having spoken an untrue word or ever having acted other than in a just and upright manner. So the Apostle Paul may very well have been speaking of PAUL SIMON and others like him.

So throughout it all, Madam President, the hours upon hours that we spent in this Chamber debating the balanced budget amendment and others, I never once saw PAUL SIMON exhibit any rancor, never once did he waver in his commitment to his cause, and I can say truthfully that in all of my 44 years in the Congress of the United States I have never faced a more affable, a more sincere opponent than I have faced in the likes of the senior Senator from Illinois.

PAUL SIMON has served his country as a journalist, editor, businessman, soldier, teacher, and legislator. In each of these endeavors he has always undertaken his work skillfully, fairly, and with a degree of integrity and honesty that has been an inspiration to us all. As he prepares to leave the Senate and return to his beloved State of Illinois, I offer this remarkable American my gratitude for his fairness and good fellowship. He is, indeed, the happy warrior, and I extend my best wishes to him, and so does Erma, my wife—to him and to his lovely wife, our best wishes, by saying thank you and good luck to our friend from the State of Illinois.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Mexico.

Mr. BINGAMAN. Madam President, first let me compliment my colleague, the Senator from West Virginia, on the eloquent statements he has made with regard to our colleagues here. He speaks with great eloquence and feeling about both Senator PELL and Senator SIMON. Obviously, I join him in the accolades that he is heaping upon both of those Senators. They are certainly deserving.

(The remarks of Mr. BAUCUS and Mr. BINGAMAN pertaining to the introduction of S. 2123 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE SAFETY

Mr. PRESSLER. Madam President, this morning we had excellent testimony in the Commerce, Science, and Transportation Committee from a number of witnesses who represented the families of airplane crashes. I believe we had five or six unfortunate airplane crashes. We also had other representatives of next of kin there at the Commerce, Science, and Transportation Committee. It was a very moving hearing.

I want to commend the witnesses who appeared. I also want to say that it is time we act in terms of designating the National Transportation Safety Board as the responsible agency in terms of what happens after an airplane crash. We hope there are no airplane crashes. That would be an ideal situation. Whether it is a small crash or a big crash, inevitably in human history there will probably be some.

We want the next of kin to be taken care of and notified in a sensitive and organized way. This is not entirely the fault of the airlines, as was pointed out in the balance of the testimony we received. In the past, the rules have not been clear as to who is in charge. Some of the manifest problems in the past have arisen because of different practices. Sometimes passengers will get off a plane at the very last minute, even after having checked in.

In fairness to the airlines, there has been some uncertainty. Now we have an opportunity to set up a system, working with the Gore Commission, and I am pleased to be designated to be a liaison to the Gore Commission, plus the FAA bill that is before the Senate. This afternoon at 3:30 I believe the conferees on the FAA bill will be meeting, and part of that will be to be sure the National Transportation Safety Board is designated as the agency with the responsibility and the proper equipment, funding and personnel to deal with families and next of kin, and to work with our airports and our airlines in times of emergencies.

Let me commend the National Transportation Safety Board, because under the leadership of Jim Hall, I believe they have been doing an excellent job with their responsibilities. I am glad they are willing to assume this additional responsibility of being the lead agency, of taking the lead, in terms of dealing with families and next of kin and notification and counseling and so forth in times of an airplane crash.

Let me also say a word about some of our smaller airports and some of our smaller airplanes. We want to be sure they are safe for the flying public. Many of our people do not live at a hub airport. A hub airport is a central airport such as New York, Minneapolis, or Denver. Over half of the airline passengers in this country originate at small airports, on smaller planes. We certainly want to make them safe and reassure the flying public of their safety. However, we cannot get into a real expensive situation. We have to find some of the new devices, see they are brought in line and manufactured in large numbers, so we can find reasonable ways to achieve air safety.

This afternoon, as the Federal aviation authorization bill moves forward and comes to the Senate floor, I hope we all keep in mind the fine testimony we heard this morning from those fine witnesses. I want to help them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. DASCHLE. Madam President, I know that a number of our colleagues this morning and this afternoon called attention to the retirement of our colleague, the senior Senator from Rhode Island, Senator PELL. I want to commend Senator HELMS and the others for their comments and identify with the remarks made earlier today by the distinguished senior Senator from West Virginia, Senator BYRD.

There are few people who can claim the record, the respect, or the admiration of all of their colleagues as can Senator PELL. Senator PELL, as most people know, came to the Senate in 1960. Someone entering the Senate today, in order to have the same record in terms of numbers of years served, would retire in the year 2033. Thirty-six years from now, our country—and perhaps this body—will be much different, and I daresay 36 years from now, there will still be those who will recall the contribution and, again, the remarkable record of this very gentle man.

Senator PELL came during turbulent times. He became a U.S. Senator under then President Kennedy, served under President Johnson, President Nixon, President Ford, President Carter, President Reagan, President Bush, and now President Clinton. He has seen leadership of all kinds, Democratic and Republican, liberal and conservative, good and bad. Through all of this, his gentle nature, his remarkable ability to find common ground, his willingness to reach out to all sides in an effort to govern is something we can all be thankful for. He has a deep-seated belief in good Government, in democracy, and knows what it takes in this democracy to govern well. I don't recall how many times, but I can recall many occasions when Senator PELL would lecture us in our caucus about how ill-advised people are to pursue negative campaigns in Senate elections. He would remind us of that time and again. In spite of all the advice he got to be a negative campaigner, he adamantly refused. In spite of all that advice, and perhaps because of his determination to override that advice, he won every election by more than 60 percent of the vote. I think, in large measure, that is because the people of Rhode Island know him the best. We know him, but they know him better. They know his decency, they know his commitment to them and to all of us, and they know of his record. They are proud in so many ways for all that he has done for them and for our country in the time that he served.

So it is with regret that we note his departure in this Congress. It is with a great deal of gratitude that many of us have been able to call him our friend. It is with admiration that we look at his record and aspire to the heights and to the accomplishments that it represents. We thank him for his friendship. We wish him and Nuala well in their life ahead.

In my view, there are still opportunities for Senator PELL to serve his country. I hope that that might happen. But regardless of what the future holds, no one can take away the 36 years of accomplishment, the 36 years of contribution to democracy, to the strength of this country, to the breadth and depth of the affection and love he has for it. Madam President, he will be missed. We don't wish him farewell. We only wish him Godspeed as he continues in his role—whatever it may be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

THE PRESIDIO OMNIBUS PARKS BILL

Mr. MURKOWSKI. Madam President, today I am proud to announce that we have an opportunity to pass the most wide ranging national parks and public land legislation in decades; that is, the Presidio omnibus parks bill.

This report encompasses 2 years, or thereabouts, of various attempts by Members on both sides to pass bills that affect this area of our national heritage. We had hearings. We had intense negotiations. I think the bills contained in the package really meet our Nation's environmental needs. It is good news for the national parks, and good news for land and resource conservation.

This package has over 700 pages. At last count there were 126 bills included. They range from the San Francisco Presidio to the Tallgrass Prairie National Preserve, Sterling Forest protection, Snowbasin land exchange, Black Patriot Memorial extension, Nicodemus National Historic Site, Japanese-American Patriotism Memorial, numerous Civil War sites, Oak Creek Wilderness Scenic Recreation Area, the New Bedford whaling parks, and the Women's Rights National Heritage Park. It is estimated that there are about 37 States that are going to be affected by this package.

It is quite reasonable, Madam President, to ask the Senator from Alaska, well, why do we have to have this in a big package? Why did we not move on this over the last 2 years? I will tell you. As chairman of the Energy and Natural Resources Committee, we have held hearings on these bills. So has the House. But on our side we have had holds on every single bill at one time or another in this package. The way it works around here, as we all know, is some Members feel if they want to get their bill through and they see others moving, they put what we call holds on things. We have had holds, and there is no use pointing the finger at each other because that is not going to get this package passed.

I do want to explain because some of the media cannot seem to understand why we have this enormous package. It is simply because of the way this place works. And when a Member wants to proceed with a bill out of our committee and we have voted it out and we cannot bring it up, it is because there is a hold on that bill. So we are down to the end of the 104th Congress. The name of the game is to try to address this package and recognize that we have withdrawn from the package the contentious portions that were identified potentially as veto material. These included some bills that the Senator from Alaska supported and felt very strongly about. One was the Tongass 15-year extension which would have prolonged the life of our only manufacturing plant, our only pulp mill, our only year-around manufacturing plant that wanted to convert from an old technology to a new technology by investing some $150 million to $200 million, but in order to do that they had to have an extension of the contract with the Forest Service to have an adequate timber supply to amortize that investment.

Members say, why is Alaska different? Why do you have to have a contractual commitment? The reasons are simple. We have no other source of supply than the U.S. Government through the U.S. Forest Service because we do not have private timber which is exported out of the State. The Forest Service timber, Government timber is prohibited from export, and as a consequence nobody is going to make that kind of investment without an extension of the contract. And their current contract expires in the year 2004. But the administration found that unacceptable and advised us that they would proceed with a veto if it were in the package. So the Senator from Alaska withdrew that.

Boundary Waters Canoe Area, which is an issue that some Members feel

very strongly about in Minnesota, was also noted by the administration that if it were in there, they would initiate a veto. Other issues that were contentious that were threatened for veto included Utah Wilderness, and that issue is somewhat academic because of the action taken by the President in invoking the antiquities; grazing issue, which many Members in the West felt very strongly about. So they are not in the package. We have taken them out—grazing, Utah wilderness, Tongass, Boundary Waters Canoe Area.

Now we are left with a situation where it is very late in the Congress. This legislation is crucial in California not just to the Presidio but to an area that I feel very strongly about, and that is the cleanup of the San Francisco Bay area. I know how strongly the California delegation feels about that. If the administration wants to find an excuse to veto this, obviously they can do it. But they are contemplating, if you will, a veto message per correspondence with the White House, and I ask unanimous consent that a letter from the Executive Office of the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 20, 1996.

Hon. FRANK H. MURKOWSKI,

Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: I am responding to your September 16th request for the Administration's view on the proposed conference report on H.R. 1296, the Omnibus Parks legislation. The Administration received this legislation late Tuesday night, September 17th, and is carefully reviewing this massive proposal, which now incorporates over 100 free-standing bills and spans over 500 pages of legislative language.

We strongly support legislation to improve the management of the Presidio in San Francisco, use Federal funds to help acquire the Sterling Forest in the New York/New Jersey Highlands Region, and establish the Tallgrass Prairie National Preserve in Kansas. These are measures that would protect nationally significant natural resources, have been the subject of thorough public review, and enjoy broad, bipartisan support.

Your letter, however, indicates that the conference report will contain a number of wholly unacceptable provisions—ones which erode protection of nationally significant natural resource areas, override existing legal requirements, and prevent responsible management of federal lands. Your letter indicates, for example, that the report includes a mandated extension of the Ketchikan Pulp Company (KPC) contract in the Tongass National Forest (AK) and a requirement to allow motorized use in the Boundary Waters Canoe Area Wilderness (MN). Department of Agriculture officials have repeatedly indicated that the Secretary would recommend veto of a bill that would mandate an extension of the KPC contract. Similarly, actions such as opening up three portages at the Boundary Waters Wilderness areas to motorized use would be cause for a veto of this bill.

On July 26th, the President urged the Congress to refrain from including controversial measures during the conference on H.R. 1296. Unfortunately, it appears that many of these objectionable provisions remain.

We are committed to working with the Congress on legislation that protects our Nation's natural resources. As soon as the Administration completes its review, we can work together to eliminate controversial items and discuss other provisions that could move forward in a bipartisan way.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. MURKOWSKI. They cite specifically what their veto threat covers, and we have eliminated those, Madam President. Now I am told some Members on the other side are going to insist that the bill be read. That is fine—700 pages. It is going to take 10 hours. Talk about delay tactics. What is the objective of that? I do not know. They say they have not read the bill. We ought to go back to the Members because this stuff has been hanging around for 2½ years. We have had hearings on it. We have had discussions. The Members who are motivated from the 37 States know what is in the bill. We are talking about further delay which is not necessary. We should act now. It is late in the game. If we do not act now, we are going to lose.

Let me tell you what the parliamentary procedure is. I hope this will come up today. It should come up now. We have the time. But if a Member moves to recommit the package, the whole package is dead. It is over. It will not happen.

What we have done in this bill, we have created new parks, established five new parks: Shenandoah Valley National Battlefield in Virginia to protect the Civil War battlefields; Tallgrass Prairie Natural Preserve in Kansas to protect one of the last remaining unplowed sections of tallgrass prairie in the country; Nicodemus National Historic site to protect the town established as a community for freed black slaves after the Civil War; New Bedford National Historical Park to honor the whaling industry—not just in Massachusetts because the whaling industry started in Massachusetts and where did they whale? They whaled in Alaska, my State. They went around Pt. Barrow, and that is where they whaled. You go to Pt. Barrow today and you can see the remnants of the contribution of the New Bedford whalers. So this is a joint effort; Boston Harbor Islands to protect unique islands in the Boston Harbor.

There is better protection of existing national parks. It provides for boundary modifications, expansion of 20 parks around the country from a 1,000 percent increase in size at the Richmond National Battlefield in Virginia to minor boundary adjustments in Zion National Park in Utah. It protects existing national parks. The legislation provides protection for important historical events and persons by expanding the boundary to further protect the Manzanar National Historic Site in California, adjusting boundaries at Independence Hall, improved management of the route taken by voting rights marchers from Selma to Montgomery as a national historic trail, and reauthorizing funding for the Advisory Council on Historic Preservation.

We established new memorials. This legislation provides for the construction of memorials on The Mall in Washington, DC, the Martin Luther King, Jr., Black Revolutionary War Patriots, and the Japanese American Patriots. We protect rivers from coast to coast. The bill protects important rivers, from the Columbia in Washington to the St. Vrain in Colorado and the Lamprey in New Hampshire. And we protect hallowed ground, where the blood of American soldiers was shed in battle. The bill protects important battlefields from Yorktown, where Americans won independence, through the Civil War battlefields in Virginia, Mississippi, Louisiana and Georgia, and establishes the American Battlefield Protection Program.

Madam President, it authorizes funding to begin restoration of the San Francisco Bay. This bill authorizes $450 million over 3 years to provide restoration for that jewel of the west coast.

This bill is not just about expanding the role of the Federal Government. It also contains significant reforms of existing programs and policies, and makes unneeded Federal lands available for use by other levels of government. We have a reduction of unneeded Federal lands. The legislation transfers unreserved BLM land in the State of Wyoming for schools, removes inappropriate limitations from developed lands across the coast of North Dakota, corrects a 90-year-old survey of public lands in Idaho, provides lands to the Taos Pueblo tribe in New Mexico.

The administrative reforms of the national parks are addressed. The bill includes a number of provisions to improve the management of the National Park Service, from encouraging private sector involvement to improving the housing of park rangers, which is sorely needed; Senate confirmation for the park director; the elimination of unnecessary congressional reporting requirements, and numerous other authorities to increase the leverage of Federal funds.

Recreation Fee Policy Program: The bill provides for the complete overhaul of the current recreation fee policies, which will provide improved funding for the parks and forests by establishing a permanent program to permit agencies to retain recreation fees without appropriations.

The environmental agenda: We have tried to address it within my committee, and the legislation provides two key provisions which represent the vision of how we intend to better protect the environment without the heavy hand of the Federal Government.

One of those issues is the significant development of the Presidio trust. I

have been out to the Presidio on several occasions. I know how the Pennsylvania Avenue Development Corporation, which brought about the tremendous and successful renovation of Pennsylvania Avenue here in Washington, DC, has worked for the benefit and the beautification of this city. The Presidio, a former military installation at the foot of the Golden Gate, has been managed by the park service. But, clearly, the park service does not have the expertise or the knowledge to develop that area in compatibility with its unique recreational attractiveness and the traditional association of what that military facility was.

As a consequence, we have created a Presidio trust. Instead of the $1.2 billion proposal at one time that was advocated by some for the Federal Government to manage the Presidio, San Francisco, in perpetuity, what we have here is a bipartisan approach. We talked about it this morning in a press conference with the two Senators from California. It turns the real estate management aspects of the Presidio over to a private volunteer nonprofit trust—again, similar to the Pennsylvania Avenue Development Corporation.

I have met with the volunteers in San Francisco that have worked to put this concept together. I am satisfied that they have the vision and the expertise and the capability to make this work. It will reduce the burden of the Federal Government's role. It will still provide a presence for the National Park Service, and it will add dramatically to the full utilization, with the right balance, by the people on the ground who have the best interests of the Presidio and San Francisco at heart.

This is a bill for all Americans, and that is why it is so attractive, and that is why it is so necessary we move at this time. The bill authorizes, as well, a land exchange in Utah. The significance of this is the Olympics, which are going to take place in Utah in the year 2002. This would provide a very simple exchange that would make the downhill event for the 2002 Olympics a reality, which will permit thousands, hundreds of thousands of persons around the world to enjoy it.

So, what we have here, as a consequence of action taken last night, where my conferees agreed to sign off on the package and send it over to the House of Representatives, and the House stayed in until midnight last night to accommodate their procedure and sign off on the bill, and now it is over here, the package. So, Mr. President, it is fair to say that now is the time to take it up.

I have been advised there had been some concern on the other side. I have yet to be privy to what that concern might be. But, again, we have been waiting 2 years for this material to get this far. If we pass it, it will go over to the House, and I am satisfied the House will move it because we have taken the contentious portions out of it. I do not know what more we can responsibly do, what more and greater obligation I have as chairman of the Energy and Natural Resources Committee to try to move this, because I know how much it means to each Senator with regard to various parts and portions of the 126 parts that are in this bill. And I am sorry that we were not able to be responsive, as we reported these bills out of committee individually. But, again, I want to make reference to the way this place works, when Members put holds on every bill and we cannot move them on the floor to passage. We are left with this dilemma, which is the 126-bill package.

Some people say, why do we have to have it this way? I am sorry we have to have it this way, but it is this way now or nothing, because there is simply no other alternative and there is no more time left.

The leadership has indicated we are winding this session up. The end of the fiscal year is coming. It is now or never for the Presidio package, because if it is held up, those people who are holding it up have to bear the responsibility for annihilating, killing the largest single environmental package of parks bills that have come before the Congress in this session and, I am told, for the last decade.

I am pretty reasonable. I have been around here for a while. I have tried to accommodate everybody. I have taken my licks on this one. I have lost, in my State, my only year-round industry because I could not get enough support for a 15-year extension of the Ketchikan Pulp Mill, so they could put in a $200 million investment. That is my sacrifice. That probably means more to me than any other single thing. But the obligation I have to move this package is real as well. So, at the dictate of the administration, we have stricken the Tongass out of it.

Some might ask, do you have any fallback? Yes, I suspect there is a fallback. Perhaps the RECORD should note what it is, because without getting too technical, what we asked for was a 15-year extension of a contract that was going to expire in the year 2004. The administration said they would veto the bill if that was in.

What we have proposed in this package, I will be very direct with the President, is not to pursue the 15-year contract which would mandate 15 years beyond the year 2004, but to simply take the remaining years on that contract, which are 8 years, and simply transfer that from pulp utilization to our two operating sawmills. That is all we have left in Alaska of any significance.

In brief, the contract for the remainder of the term through the year 2004, for the next 8 years, would simply be transferred over from pulp utilization to sawmill utilization.

The 15-year extension, as a consequence of the Presidential veto threat, has been withdrawn. I understand that that has been satisfactory to those who have objected. Of course, the Utah wilderness has been withdrawn. Grazing has been withdrawn. The boundary waters canoe area, which was also under Presidential veto threat, has been withdrawn.

To those who are scrutinizing this, I wish them well, but that is the package, that is what we are left with. It is now or never, and we better do it now because we simply don't have time, and we will walk out of here in the next few days leaving behind us a truly monumental bill with monumental implications.

I might add, the Senator from New Jersey and I have had differences of opinion relative to his role in the bill. I am not going to prolong those differences other than to say Sterling Forest is it. He is a winner. He can leave the U.S. Senate bringing home something that is very meaningful to New Jersey and New York.

I could go on into the history of the process over the last 2 years, but I don't know that that would serve any purpose at this time. I could lament the dissatisfaction of my friends from some of the States whose issues we simply had to take out of here in the spirit of compromise relative to trying to get the job done and get a package out that is meaningful, but I hope that those who are listening and reflecting now recognize that they, too, have an obligation. That obligation is either to come forth and support this package now, this compromise package that is so important, that is so significant, that is so meaningful, or accept the responsibility of killing a package that has been over 2½ years—one Senator reminded me that his particular interest in the bill had been in this over 4 years.

So I encourage my colleagues to look through the title portion and recognize the items that are of interest to their State, whether it covers rivers and trails, historic areas, civil rights issues, Civil and Revolutionary War sites, fee generations for their own parks, recommended administration management provisions, boundary adjustments, the Presidio, certainly the California bay environmental enhancement, and recognize that it is now or never. We can get it done now and go out of session with the most meaningful bipartisan legislative package that has come before the U.S. Senate, or we can grouse around, object, send it back for reconsideration and leave with nothing done.

But I want the RECORD to note, as chairman of my committee, I have discharged, along with my conferees and our committee, both Democrats and Republicans, our obligation. We have held the hearings, we reported it out, we moved on it last night through a conference process. The House signed off on it. It is over here now. I do not want to be presumptuous in being critical, but I don't know what we are waiting for, Mr. President. We are ready to go. We can get this done now. The Senator from Alaska is ready to bring it to

the body. I have discussed it with the leadership. I am awaiting word.

So the rest is up to you, I say to my distinguished colleagues, whether this package is meaningful enough to recognize, just like every package, that sure, there are some things in there somebody doesn't like. But you try to put together 126 bills and have to put it in a package like this because there is no other way that you are allowed to bring them up individually because Members put holds on them.

I implore the media that is going to scrutinize this to recognize the reality. The poison pills, so to speak, have been taken out. I am not going to reflect on the fact there are an awful lot of westerners who are unhappy because their concerns are not met in this package. That is going to be for the next session. That is going to be for, perhaps, the election. But we have to do what we have to do, and right now, the thing to do is to move this bill out because the poison pills are out.

I ask unanimous consent that my letter and Representative DON YOUNG's letter to the President asking for a position on those items that he would veto be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, September 16, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are about to conclude action on H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer. As you may know, a number of popular and also controversial measures have become part of the conference discussion; therefore, this bill is now known as the Omnibus Parks legislation containing well over 100 specific legislative provisions.

Among the controversial issues discussed for inclusion in this conference report are the Senate-passed grazing reform legislation, S. 1459; reforms to the management of the Boundary Waters Wilderness, S. 1738; Sterling Forest Protection Act, S. 223; S. 884, the Utah Public Lands Management Act; S. 1877, the Ketchikan Pulp Company contract extension; and S. 1371, the Snow Basin Land Exchange, which is necessary for the winter olympics.

We are about to file a conference report on this omnibus legislation, and it is important that we have your views. Because of your Administration's long-standing opposition, we are prepared to propose excluding the grazing reform legislation, any Utah Wilderness proposals, and several other controversial measures to which the Administration has expressed opposition. Attached is a list of measures we propose for inclusion in the conference report. Among these measures, we feel the need to include two items which your Administration has expressed opposition to in the past. One is the extension of the Ketchikan Pulp Co. contract, S. 1877; and the other is a proposed compromise on the Boundary Waters Canoe Area which would allow motorization on three portages, but nothing more.

It is important that we have your views on this conference report prior to close of business on Wednesday, September 18. We are ready and prepared to discuss any of the measures proposed for inclusion in this conference report at any time, and our staffs are prepared to provide any additional information you may need in your consideration of this important legislation.

Sincerely,

DON YOUNG,
Chairman, House Committee on Resources.
FRANK H. MURKOWSKI,
Chairman.

Mr. MURKOWSKI. I encourage those who are responsible for the movement of the process around here to reflect on my words.

I compliment all those who have worked so hard to bring this package together, both in the minority and majority: Senator JOHNSTON, Senator BUMPERS, Senator DOMENICI, Senator NICKLES. I also thank the California delegation for their tireless efforts to push this legislation. I thank those who have volunteered their time in San Francisco, as well as other areas of California, to push the merits of the creation of the trust in the Presidio package, and I thank the staff on both the minority side and majority side: Tom Williams, GREGG Renkes and many others, who worked night and day to put this package together; my colleague in the House, Representative YOUNG, of course; my senior Senator, Senator STEVENS, because oftentimes we, as Alaskans, are typified as those who want to run through the public domain with development schemes of one kind or another.

We will take our lumps as we go along the road in trying to communicate the particular posture of our State, which is only 38 years old, and the realization that we are still trying to create land patterns in a State that is 80 percent owned by the Federal Government, at a time when the other States accomplished that 150–200 years ago. They developed their land patterns. They had private ownership within their State. We have public ownership in ours one-fifth the size of the United States.

We are a storehouse of natural resources. What we try to communicate is that with science and technology we can do a better job of developing our resources. We look at our timber industry. We have the largest of all our national forests at 17 million acres. We set aside two-thirds of that forest in perpetuity, set aside 5 to 7 million acres of prime timberland. We are trying to maintain a timber industry in the largest of all our forests on about 1.7 million acres in perpetuity and a 100-year regrowth cycle. They cut more firewood in New York than we cut commercially in Alaska in the Nation's largest forest. They cut over 1 billion board feet for their commercial activities, yet there are those who want to close us down, terminate all timbering in our forests.

The Sierra Club wants to terminate all timbering in the national forests. But what we are trying to do is maintain a viability based on renewability, do a better job. Our fisheries are at an all time high. We have had record runs 8 of the last 11 years. We have been doing it right. We think others could learn from us. It is a little like rowing uphill.

You talk about oil and gas exploration. We know we can open up ANWR safely, given the opportunity. But we have become an environmental cause. We have over 60 environmental agencies that have established themselves in Anchorage, AK. The young attorneys come up and do their missionary work, because these organizations need a cause. The cause is far away. It is a ''good cause,'' idealistic. When we attempt to say, well, just a minute now, we have an opportunity and a right to come into the Union, develop our resources, manage them correctly; they, through extreme rhetoric, suggest that we are desecrating the country. The media picks up on it. And it is simply not true.

So we feel a little sensitive when we are criticized with any development scenario. We could open up ANWR safely. We know it. We have the technology. We are selling American ingenuity short. The environmental community has in many cases established a fear mentality in the American public that somehow we cannot develop resources safely. It is evidenced in the debate around here on the grazing issue, on the timbering salvage issue, on oil and gas exploration, on mining—drive them offshore; bring them in from other countries; send those jobs overseas.

The deficit balance of payment; what is it all about? Over a third of it is the cost of imported oil. What are we doing today? We are 51.4 percent dependent on imported oil. In 1974, we were about 36 percent dependent. We took action. We created the Strategic Petroleum Reserve. Now we are selling it off. The Department of Energy says by the year 2000 we will be two-thirds, 66 percent, dependent on imported oil. What does that do with our leverage with the Mideast? The Mideast is in a crisis. One of these days, we are going to pay the price because we have increasingly become more dependent on imported oil.

Well, I am using my time to vent my frustration, but what I want to communicate here is we have put aside some of our Alaskan issues relative to the merits of this bill, issues that we feel very strongly about, simply because this is a good bill. It is a compromise bill. And it is time, after 2½ years, or 4 years, depending on your point of view, or at least the 104th Congress, to move it now. If we do not move it now, it is not going to be moved this session.

Those who have the responsibility for it not moving are going to have to stand up and be counted and explain to me and the other conferees specific reasons as to why, because, again, I would challenge the administration, and my colleagues, if you are looking for an excuse to veto it, yeah, you will find an excuse to veto it. But the poison pills have been taken out because

Representative Young and I and others working together went through a laborious process to identify those contentious issues that were veto bait. Again, for the benefit of those who do not recall, grazing is out, Utah wilderness is out, Tongass is out, the boundary water canoe area is out. And what we have left is a good package, 126 bills, everything from the Presidio to the New Bedford National Historic Park to honor the whaling industry.

Mr. President, I ask unanimous consent that the entire titles of those bills, including Sterling Forest and the land transfer for the Winter Olympics, the entire group be printed in the RECORD so each Member can recognize what is in the package.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Authorizes funding to Begin Restoration of the San Francisco Bay—the bill authorizes $450 million over three years to provide for restoration of the San Francisco Bay.

The Bill is not just about expanding the role of the Federal Government, it also contains significant reforms of existing programs and policies, and makes unneeded Federal lands available for use by other levels of government.

Reduction of Unneeded Federal Lands—the legislation transfers unreserved BLM lands to the State of Wyoming for schools; removes inappropriate limitations from developed lands along the coast of Florida; corrects a ninety year old survey of public lands in Idaho; and provides lands to the Taos Pueblo tribe in New Mexico.

Administration Reform of the National Park Service—the bill includes a number of provisions to improve the management of the National Park Service from encouraging private sector involvement in improving the housing of park rangers, Senate confirmation for the Park Director, to elimination of unnecessary Congressional reporting requirements and several other authorities to increase the leveraging of federal funds.

Recreation Fee Policy Program—the bill provides for complete overhaul of the current recreation fee policies which will provide improved funding for parks and forests by establishing a permanent program to permit agencies to retain recreation fees without appropriations.

New Republican Environmental Agenda—the legislation provides two key provisions which represent the vision of how Republicans intend to better protect the environment without the heavy hand of the Federal government.

1. Presidio Trust—instead of the $1.2 billion proposal advocated by some for the federal government to manage the Presidio of San Francisco in perpetuity, this bipartisan approach turns the real estate management aspects of the Presidio over to a private, non-profit trust similar to the Pennsylvania Avenue Development Corporation.

Enhancement of the National Park Foundation—the bill enhances the ability of the existing National Park Foundation to raise private sector funds to support National Parks.

A bill for all Americans. This bill authorizes a land exchange in Utah which will make the downhill event for the 2002 Olympics a reality and permit billions of persons around the world to enjoy it.

HIGHLIGHTS OF THE BILL

This package is the biggest and most important parks and public land package since 1978 (nearly 20 years).

It provides for protection of some of the most important natural and historical events and landscapes in the country as follows:

Creation of New Parks—Establishes five (5) new parks: the Shenandoah Valley National Battlefield in Virginia to protect important Civil War battlefields; Tallgrass Prairie National Preserve in Kansas to protect one of the last remaining unplowed stretches of tallgrass prairie in the country; Nicodemus National Historic Site to protect a town established as a community for freed Black slaves after the Civil War; New Bedford National Historic Park to honor the whaling industry in Alaska and Massachusetts; and Boston Harbor Islands to protect a dozen unique islands in Boston Harbor.

Better Protection of Existing National Parks—provides for boundary modifications and expansions of 20 parks around the country from a 1,000 percent increase in size at Richmond National Battlefield in Virginia to a minor boundary adjustment at Zion National Park in Utah.

Protection of Important Historic Sites—legislation provides protection for very important historical events and persons by expanding the boundary to further protect the Manzanar national Historic Site in California; adjusting the boundary at Independence Hall to improve management; designating the route taken by voting rights marchers from Selma to Montgomery as a National Historic Trail; and reauthorizing funding for the Advisory Council on Historic Preservation.

Establishment of New Memorials—legislation provides for the construction of memorials on the mall in Washington, DC to Martin Luther King, Junior, Black Revolutionary War Patriots and Japanese-American patriots.

Protection of Rivers from Coast to Coast—the bill protects important rivers from the Columbia River in Washington to the St. Vrain in Colorado and the Lamprey in New Hampshire.

Protects Hallowed Ground Where the Blood of American Soldiers was Shed in Battle—the bill protects important battlefields from Yorktown, where America won independence, through the Civil War in Virginia, Mississippi, Louisiana, and Georgia and establishes the American Battlefield Protection Program.

Mr. MURKOWSKI. That may save them from threatening to read 2,700 pages of the bill.

Mr. President, I have just been given a list of the States that are affected here, and if my colleagues will just give me a couple more minutes, I will conclude my remarks with this, because it is so important that each Member understand what is in this for his or her State.

Alabama. Selma to Montgomery Historic Trail designation, historic black college funding.

Alaska. Anaktuuk land exchange, Alaska Peninsula land exchange, Alaska PLT, unalaska historic site, Glacier Bay fee, unrecognized communities, Federal borough recognition, village land negotiation, conveyance to Gross brothers, regulation of Alaska fishing, University of Alaska.

Arizona. Walnut Cameron exchange, Wupatiki boundary adjustment, Alpine School District conveyance, ski fees.

Arkansas. Arkansas-Oklahoma land exchange, Carl Garner Federal lands clean-up.

California. Pesidio, Elsmere Canyon protection, San Francisco Bay enhancement, Butte County conveyance, Modoc Forest boundary adjustment, Cleveland National Forest, conveyance, Lagomarsino visitor center, Tular conveyance, Mineral King, Merced irrigation district land exchange, Manzanar historic site exchange, AIDS memorial grove, timber sale exchange, Santa Cruz Poland acquisition, Stanislaus Forest management, Del Norte School conveyance, ski fees.

Colorado. Cache La Poudre corridor designation, Rocky Mountain Park visitor center, Grand Lake Cemetery authorization, Yucca House boundary modification, Rockwell ranch, Black Canyon of the Gunnison, St. Vrain exchange, ski fees, Greeley, Colorado land exchange.

Florida. Florida coastal barrier amendments.

Georgia. Chickamauga-Chattanooga authorization increase, Fort Pulaski.

Hawaii. Kaloko-Honokohau Advisory Commission extension.

Idaho. Craters of the Moon boundary adjustment, waterman fossil beds boundary adjustment, Cuprum conveyance, Targhee exchange, ski fees.

Illinois. Illinois and Michigan Canal, Calumet Ecological Park study.

Kansas. Tallgrass prairie National Preserve authorization, Nicodemus Park establishment.

Lousiana. Civil War center, Laura Hudson visitor center.

Maryland. Lower Eastern Shore hedge study.

Massachusetts. Boston Harbor Islands park establishment, Blackstone heritage area, Boston Public Library on Freedom Trail, New Bedford establishment.

Michigan. Pictured Rocks boundary adjustment.

Mississippi. Corinth visitor center historic black college funding, Natchez visitor center.

Missouri. Ozark wild horses preservation.

Montana. Lost Creek exchange, ski fees.

New Hampshire. Lamprey River, ski fees.

New Jersey. Sterling Forest, Great Falls historic district.

New Mexico. Bisti/De-Na-Zin wilderness, Taos Pueblo conveyance, Rio Puerco project, Father Aull land transfer, ski fees.

New York. Women's rights boundary adjustment, Sterling forest.

Ohio. Dayton Aviation Commission.

Oklahoma. Arkansas/Oklahoma land exchange.

Oregon. Sumpter conveyance, Upper Klamath basin restoration, Deschutes basin restoration, Mount Hood corridor exchange, Coquille Forest establishment, Bull Run watershed protection, Oregon Islands wilderness, Umpaqua River exchange, ski fees.

Pennyslvania. Delaware Water Gap fee, Independence Park boundary adjustment.

Rhode Island. Blackstone heritage area expansion.

South Carolina. Historic black colleges funding.

Tennessee. Historic black colleges funding.

Texas. Big Thicket exchange.

Utah. Snowbasin exchange, Sand Hollow exchange, Zion Park exchange, ski fees.

Virginia. Cumberland Gap boundary adjustment, Richmond Battlefield boundary adjustment, Shenandoah Valley Battlefield establishment, Shenandoah NP boundary adjustment, Colonial Parkway boundary adjustment.

Washington. Vancouver Reserve establishment, Hanford Reach protection, ski fees.

West Virginia. West Virginia Rivers.

Wisconsin. Pictured Rocks boundary adjustment.

Wyoming. Bighorn County conveyance, Douglas County conveyance, Ranch A conveyance, ski fees.

Generic. RS. 2477, Black Revolutionary War Patriots Memorial, MLK Memorial, advisory council historic preservation, Revolutionary War & War 1812, Am. battlefield protection, ski fees, recreation fees, recreation lakes, National Park Foundation, NPS administrative reforms, BLM re-authorization, Japanese-American Patriot Memorial, REA right-of-way.

Finally, Mr. President, do not be misled. These bills will not pass, they will not pass as part of an appropriations bill. Some Members may be under the impression that you can just cherry pick this thing and their bills will pass as part of the final appropriations. Do not be misled. This is not going to happen. As chairman, I will not let it happen. I want to put those Members on notice if this conference bill fails, all the bills, all of them, are absolutely dead for this Congress.

Finally, I want to recognize the work of Bill Lane, from San Francisco, a long-time acquaintance of mine, former publisher and still associated with Sunset Magazine, who has done so much groundwork on the Presidio effort. I know there are others that deserve recognition, but Bill Lane has been a stalwart, promoting the objective to get the job done, and get it done now, because if you do not, the Presidio will deteriorate to a point where it may be too late.

I have gone on longer than the Senator from Alaska usually does, not preaching to my colleagues. I am imploring you to recognize this for what it is. We have all taken a hit. The poison pills have been taken out. If the administration wants to use this as an exchange, OK. Then it becomes, perhaps, a campaign issue.

I hope we hear from the administration, their recognition that perhaps there is not everything they like in this, but there is so much in it, and it is so necessary we address these things now, and the recognition of the way this process works—that you cannot move the bills through individually because there are holds on them. You have to move them in a package. We can get this done now, for the good of the States affected, for the good of the Nation, and for the good of the House of Representatives and the U.S. Senate. Mr. President, the time is now. The day is now. We should get on with it.

I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Nebraska is recognized.

Mr. EXON. The Senator from Nebraska understands we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator may proceed as though we were in morning business.

Mr. EXON. I ask that we continue morning business for the purpose of making remarks with regard to several retiring Members of the U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANK YOU TO SENATOR ROBERT C. BYRD

Mr. EXON. Mr. President, while I have had ample opportunity to review the RECORD of yesterday while I was awaiting my chance to make remarks, I want to thank very much my close and dear friend, Senator BYRD, for his kind remarks about this Senator as printed in yesterday's RECORD, S. 11134. Senator BYRD made some very kind remarks about me and our association and work here in the U.S. Senate. I thank him for that.

I also wish to take this opportunity and thank others who have made farewell remarks with regard to this Senator from Nebraska, and with particular reference to Senator BYRD. I think we all recognize what a unique experience we have had here in the U.S. Senate, serving with one of the greatest U.S. Senators, by any measurement, that this body has ever seen. BOB BYRD of West Virginia has no peer with regard to his understanding of the rules of the U.S. Senate. He has written books on the history of the U.S. Senate. Certainly, as I think back over my last 18 years, and I will be thinking about this in the future, I thank the Lord for the great opportunity, and the people of Nebraska, for giving me the opportunity to serve with a truly great American, a true pillar of the U.S. Senate, ROBERT BYRD of West Virginia.

In that regard, I also would like to take just a moment, Mr. President, to thank a number of my colleagues from both sides of the aisle that stopped by a reception held for me last evening. My wife Pat and I appreciated that. A good time was had by all.

TRIBUTE TO SENATOR SAM NUNN

Mr. EXON. Mr. President, I would like to proceed in making some brief statements with regard to several of the retiring Members that this Senator has had the honor of serving with.

Let me start, Mr. President, if I might, with a statement with regard to the great Senator from Georgia, SAM NUNN. We will be leaving the U.S. Senate together. This Nation will likely lose the most important Senator of all with regard to national security and foreign policy when my colleague SAM NUNN departs this body.

I believe Senator NUNN is one of the greatest leaders of the current era. He has been a leader and a close personal friend and confidant of mine since the very first day I came here 18 years ago. SAM NUNN has been my Democratic leader on the Senate Armed Services Committee. We have worked closely together, and always in harmony, on many, many issues of vital importance to this Nation's national security. SAM has been a stalwart in helping to win the cold war. I remind all that SAM is, bar none, the Senate's top expert on national security matters. No one has done more to help recruit and retain the Nation's soldiers, sailors, airmen, and marines, who are on duty today and are the best that we have ever had in uniform in our Nation's history.

I was proud to be a charter member of the informal ''Sam Nunn for President'' group in 1988. I believed then, and continue to believe to this day, that SAM NUNN would have been an outstanding President of the United States. SAM has the unique qualities of being strong in his principled viewpoints and yet compromising in the means to achieve his goal. In short, SAM NUNN is a true statesman in every respect of the word. I will always treasure my association and my friendship with him. Pat and I want to wish him and his family all of the best and, indeed, all of the blessings of the future.

TRIBUTE TO SENATOR DAVID PRYOR

Mr. EXON. Mr. President, I rise today to pay tribute to my departing colleague from Arkansas, Senator DAVID PRYOR. I have treasured our 20 years of friendship.

Senator PRYOR is one of the true gentlemen of the Senate and it has been my good fortune to serve as Senators together as it was my pleasure to serve as governors during the same time period in the 1970's. DAVID has been a good friend to me here in the Senate and I have appreciated his leadership in a number of areas including pharmaceuticals, seniors, taxpayer rights issues and many, many more.

Senator PRYOR has taken his intelligence and sense of fair play and worked to see that America's seniors are treated with dignity and respect by serving as the top-ranking Democrat on the Special Committee on Aging. Government programs do a better job of serving Americans because of the leadership of DAVID PRYOR.

A leader in keeping pharmaceutical prices low, Senator PRYOR has fought long and hard to make sure that Americans do not pay for the low prices

pharmaceutical companies charge other countries for their products. Because of his leadership, the Medicaid program instituted a prescription drug rebate program so that drugs could be purchased at a more favorable rate. I was also pleased to be an original cosponsor of Senator PRYOR's Taxpayers' Bill of Rights. This was landmark legislation to remind the Internal Revenue Service to treat taxpayers' with dignity and respect.

The hallmark of Senator PRYOR's tenure here in the Senate is leadership. Leadership in legislation, a leader among his fellow Senators and leadership for his beloved State of Arkansas. The people of Arkansas have always been his priority and he has served them well.

Farewell my friend. Pat and I wish you the very best for the future.

TRIBUTE TO SENATOR PAUL SIMON

Mr. EXON. Mr. President, I rise today to say a few words regarding the retirement of the senior Senator from Illinois, PAUL SIMON.

PAUL SIMON was first elected to the Senate in 1984 and I have been honored to serve with him for the past 12 years. Before entering the Senate, PAUL SIMON represented his constituents as a Member of the House of Representatives for 10 years. He will truly be missed by the people of Illinois and his colleagues in the Senate.

Over the years I have worked with Senator SIMON on the Budget Committee. Despite his reputation as a compassionate liberal who believes the Federal Government has an important role to play in the lives of Americans, Senator SIMON has not shied away from following his personal convictions, even if it meant going against the majority of his party.

Senator SIMON has been a leading proponent of a constitutional amendment to require the Federal Government to balance the budget each year. He has been guided by his common sense, midwestern views on living within your means. I, too, have been a longtime proponent of a balanced budget constitutional amendment. Senator SIMON's ability to work with Members on both sides of the aisle is unfortunately a diminishing quality among Members of this body.

PAUL SIMON has been a strong supporter of free speech as a Senator. He is an author and began his career as a newspaper editor and publisher. Despite his background, Senator SIMON has also been willing to criticize the television broadcasters over the excessive amount of violent programming.

PAUL SIMON has a special connection to my State of Nebraska. He was a student at Dana College in Blair, NE. I know that Dana College appreciates his continued interest in the students and the college over the years.

I commend Senator PAUL SIMON for his many years of dedicated service to the people of Illinois. Pat and I wish him the very best in his retirement.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. EXON. Mr. President, I rise to salute the service of Senator HOWELL HEFLIN and give the Senator and his family best wishes.

Senator HEFLIN and I came to the U.S. Senate together and we will be leaving this grand institution together. Over the years I have not only developed a tremendous working relationship with the senior Senator from Alabama but also a deep and lasting friendship. Mike and HOWELL HEFLIN have been among the closest friends and associates of the EXONS.

Over the years, I think that there are few Senators with whom I vote with more frequently than with Senator HOWELL HEFLIN. I value his opinion and respect his views. He is not only a mainstream Democrat, he is a mainstream American.

Few Members realize that HOWELL HEFLIN is a bona fide war hero. If I may Mr. President, I would like to share a little story about the Senator from Alabama. A few years ago I had an opportunity to lead a delegation to the Pacific rim. HOWELL HEFLIN was a member of our group. We had scheduled a stop in Guam for refueling en route to Manila. When we arrived, I was informed that there would be a brief unscheduled ceremony for HOWELL HEFLIN.

It was anything but a brief ceremony. It was obviously one of the most important ceremonies that the Island of Guam has had, I suppose, since the American forces drove out the Japanese from that island during the war in the Pacific. There was a large entourage of cars. I could not imagine what was going on. Finally, I began to get the feel of things. They wanted to take us out to the beach where the American Marines landed when the United States of America started taking back that very important and strategic island.

We went out to the beach, and we saw where they landed. This beautiful beach was once a bloody battlefield. During the war the Marines had great difficulty in landing. The coral reefs reeked havoc on the landing crafts and on the men.

Our delegation went to the museum out on the beach. We were greeted by the mayor, the Governor and there was a small Navy band playing. In addition, there was a small tent with a number of people from the Island of Guam who were there when the Americans landed.

This celebration was not in honor of the Senate delegation but in honor of one of our Members, Senator HEFLIN. It was a moving sight. There was a big sign out there that I shall never forget. It said, ''Welcome Back Our Liberating Hero, Lt. HOWELL HEFLIN.''

Because of all his other accomplishments, I suspect few of my colleagues in the Senate even know about Senator HEFLIN's heroism. He was one of those marines who liberated Guam. Lt. HOWELL HEFLIN was part of the assault force of the Americans landing to take Guam from the Japanese. He was wounded in the initial assault and kept on fighting. He pointed out the hill to me where he took his second hit.

He was evacuated to the United States where he spent considerable time in the hospital.

This story illustrates that Senator HEFLIN's love of country has been a constant throughout his life. As marine, judge, and as Senator, duty, honor, and valor are all words associated with HOWELL HEFLIN.

This is a side of the proud HOWELL HEFLIN that I know. That is a side that I want his colleagues and history to know. He is one of those who serves his country in time of need, and we must never forget that.

As I bring my Senate career to a close, I point to serving and knowing people like HOWELL HEFLIN as one of the most wonderful benefits of being involved in politics.

Having known HOWELL and Mike Heflin and knowing of their stature, and character, having had them as friends, means a great deal to me as I look back on my life in public service and see what really has been important.

I simply say that one of the great treasures of my life has been knowing the Heflins. May God bless and keep HOWELL and Mike Heflin forever in his grace.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. EXON. Mr. President, when the Senate concludes its business this year and adjourns the 104th Congress, we will be bidding farewell to one of the most respected and accomplished Senators this institution has known. Senator CLAIBORNE PELL's decision to retire following the completion of his sixth term has brought to a close a legislative career that is noteworthy for not only its longevity but also its accomplishments. Whether in the area of student educational loans, arms control or foreign affairs, Senator PELL has distinguished himself as an effective force in not simply representing the interests of Rhode Island residents but in authoring a national agenda designed to improve the quality of life for all Americans.

Senator PELL's colleagues know him as a quiet, thoughtful man of strong intellect and compassion. In his words and by his actions, CLAIBORNE PELL has demonstrated an unyielding commitment to serving the public good for the past 36 years. This remarkable devotion to serving the common good will long be remembered by those of us who worked with CLAIBORNE PELL and lament his departure from the Senate. After devoting so much of himself to improving the welfare of this Nation,

he can retire with the comfort of knowing that it is well-earned.

HONORING SENATOR J. BENNETT JOHNSTON

Mr. EXON. Mr. President, it is with great pleasure that I rise today to salute my departing colleague and dear friend from Louisiana, Senator BENNETT JOHNSTON.

It has been a sheer pleasure to serve for the past 18 years with BENNETT JOHNSTON. Since the time I came to the U.S. Senate in 1979, I have always admired BENNETT's determination and rugged individualism. BENNETT JOHNSTON possesses many of the qualities that make this institution great, not the least of which is his ability to compromise.

Some have called him the master of compromise. I, for one, have always admired his ability to work both sides of the aisle. And as we all know too well, a willingness to look past partisan differences is something of precious commodity in the Senate these days.

Whether it was oil and gas price deregulation, the Supercollider, the Tongass National Forest, or nuclear waste disposal, BENNETT always delved deep into the heart of the matter regardless of how complex or controversial. While we may not have always agreed on the issues, I have always known I could rely on him, time and again, for his wise and fair counsel. And, I did.

For over two decades BENNETT JOHNSTON has been a dedicated public servant to the great State of Louisiana. As the Nation moves toward the new millennium, his service to this body and this country will not be forgotten.

I salute BENNETT JOHNSTON, and Pat and I wish him all the best for the future.

TRIBUTE TO SENATOR BILL BRADLEY

Mr. EXON. Mr. President, it is with great pleasure that I rise today to pay tribute to the senior Senator from New Jersey, BILL BRADLEY, who will be retiring at the end of this Congress. Senator BRADLEY and I were elected to Congress in the same year, 1978, and it has been a great pleasure and an honor to have served three terms in the Senate with him.

Senator BRADLEY has distinguished himself as a thoughtful and outspoken leader on the issues of tax reform, education, community revitalization and crime reduction. He has also been a vocal critic of wasteful Government spending. Senator BRADLEY and I share a keen interest in fiscal responsibility and concerns about the impact of the debt and deficit situation on our Nation's future. I was pleased to have the opportunity to work closely with Senator BRADLEY on line-item veto legislation. A form of this legislation was signed into law this year and I believe it is a crucial step toward eliminating wasteful spending and keeping us on the path of deficit reduction.

I commend BILL BRADLEY for his hard work in the Senate and his contribution to our Nation. I expect that he will continue to participate in the debate over important public policy issues. Pat and I wish him success in all his future endeavors.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. EXON. Mr. President, I rise today to say a few words regarding the retirement of the senior Senator from Wyoming, our own ALAN SIMPSON. It all came back to me last evening when my neighboring State Senator came by a reception honoring me, adding his usual good humor and sincerity.

ALAN SIMPSON was first elected to the Senate in the same year as me and I have been honored to serve in this body with him for the past 18 years. Senator SIMPSON has served the people of Wyoming through his hard work and dedicated efforts in matters of importance to his constituents and the American people. I am sure he will be missed by the people of Wyoming and his colleagues in the Senate.

Through his service on the Judiciary Committee, ALAN SIMPSON has been the Senate's leading force in reforming our immigration laws. His common sense approach to immigration reform has been vital to cracking down on illegal immigration. The highlight of the 1986 reform bill was a provision which made it unlawful for an employer to hire an illegal immigrant. For many years, I worked to place into law another common sense measure to prohibit illegal immigrants from receiving Federal benefits and I appreciate Senator SIMPSON's support of my efforts.

Despite his moderate and bipartisan approach, Senator SIMPSON has been the target of criticism from groups on both sides of the immigration issue. ALAN SIMPSON's willingness to push forward in the face of strong opposition from many tells a lot about how seriously he takes his position as a public servant. Without his determination, I doubt we would have been able this year to adopt such a strong, yet fair, bill to crack down on illegal immigration with such overwhelming bipartisan support. This legislation will serve as yet another testament to Senator SIMPSON's dedicated efforts to bring illegal immigration under control.

ALAN SIMPSON, while always fighting for what he felt was right and never being shy about speaking up, will also surely be remembered for his efforts to highlight the looming financial crisis that is facing our Federal entitlement programs. I strongly believe that the disintegration of bipartisan cooperation has seriously weakened the ability of this body to tackle the most difficult issues facing our Nation and has led to far too many ill feelings. Senator SIMPSON, while undoubtedly a true conservative, has been willing to go against the majority of his party on major issues while remaining true to himself and his constituents.

Pat and I commend Senator Alan SIMPSON for his dedicated public service over the years and wish him the very best in his retirement.

TRIBUTE TO SENATOR MARK HATFIELD

Mr. EXON. Mr. President, a record number of our colleagues are retiring from the Senate this year. I am among those who have voluntarily decided to not return and I do so knowing how much I will miss the nearly day-to-day contact with many of the great statesmen and women our country has known.

I consider Senator MARK HATFIELD among this pantheon of accomplished public servants. While some may speak highly of Senator HATFIELD for his length of service to Oregon and the Nation as a whole, I have been most impressed by the strength of conviction he has brought to his job of U.S. Senator over the past 30 years. The fire of purpose has burned brightly and consistently within Senator HATFIELD during this time and, on so many occasions too numerous to recount here, Senator HATFIELD's voice has been the voice of the forgotten, the weak, and the disenfranchised.

The steadfast humanity and moral judgment Senator HATFIELD has displayed transcends political affiliation or partisan alignment. From what I have observed of him during my own 18 years in the Senate, I would sum up MARK HATFIELD's credo in a simple and straightforward way: Senator MARK HATFIELD has committed his energies to the betterment of all persons through the fight against the destructive forces of war, disease, ignorance and want. This raising of the human condition, this crusade against needless suffering and the ravages of mankind's self-destructive tendencies, has been MARK HATFIELD's rich legacy to the Nation and the world.

Above all else, I salute him for his unswerving dedication against heavy odds at times to his dedication to end nuclear testing, and without his steadfast leadership the treaty that was signed yesterday at the United Nations in New York would not have come to pass.

I was there, and many people came up to me and talked about this great accomplishment. To each and every one of them I said I wished Senate duties would have allowed MARK HATFIELD to be there along with myself and Senator PELL. I know he was invited.

At year's end, he will leave this institution a lion among his peers. But lest anyone be fooled, beneath the chiseled and proud visage of this lion is the true source of his strength, a compassionate heart that has kept him humble and grounded, his path straight, his words true, and his conviction undiminished.

The career of Senator MARK HATFIELD should be an inspirational model to all those who aspire to public service, for to follow in his footsteps is to embrace all that is admirable in the pursuit of elected office and service to the people.

TRIBUTE TO SENATOR WILLIAM COHEN

Mr. EXON. Mr. President, the senior Senator from Maine, BILL COHEN, is among those Senators who have decided to not seek another term in service to their country. Senator COHEN and I both arrived in the Senate in January 1979 and we have served together on the Armed Services Committee ever since.

BILL COHEN's skills as a United States Senator were evident from the beginning. His mastery of detail along with his understanding of the larger implications of legislative policies has made him a universally respected oracle on a wide range of issues. His views are no more revered, perhaps, than those in the area of national defense and foreign policy. I can attest firsthand to how important Senator COHEN has been in furthering our national security interests over the past two decades. There is no aspect of our collective national security policy over this time that has not benefitted from Senator COHEN's contribution. Whether in the area of arms control or military reorganization or shipbuilding, Senator COHEN has displayed an effective ability to analyze problems and propose workable solutions that garnered bipartisan support. This is BILL COHEN's legacy to the United States Senate and the country as a whole.

He has been a renaissance man of sorts during these past 18 years: A bestselling novelist and published poet, an articulate speaker, and a gifted legislator. His departure will certainly deprive the Senate of one of its most meaningful and respected voices. I have no doubt he will continue to be as successful in his future endeavors as he has been as a United States Senator.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. EXON. Mr. President, I rise today to salute one of our departing colleagues and Senator from the neighboring State of Kansas, of course it is our own Senator NANCY KASSEBAUM.

NANCY and I have served together in the Senate over the last 18 years. I have always admired her willingness to look beyond partisan politics and work to solve the problems at hand. She can be proud of the recently passed Health Insurance Reform Act. I have no doubts that this will be seen for a long time as a very important piece of legislation. Finally, people will be able to move from job to job without fear of losing their health insurance.

Senator KASSEBAUM can also be proud in the role she played during the reauthorization of the Higher Education Act several years ago. Because of her efforts and those of the Labor and Human Services Committee more of America's young people can seek the higher education they need to fulfill their dreams. NANCY has also been willing to work on a very important issue to me, Impact Aid. With her help and leadership, improvements to this program were made so that the children of our military personnel have better educational opportunities.

Senator KASSEBAUM comes from an honorable Kansas Republican family. Her father Alfred Landon served as Governor and Presidential nominee. Governor Landon and the legacy he left, has been significantly enhanced by the way that his daughter has continued in his footsteps.

Kansas will be losing a great Senator, one who has served her constituents well. Pat and I wish NANCY and her family all the best for the future.

TRIBUTE TO SENATOR HANK BROWN

Mr. EXON. Mr. President, I rise today to pay tribute to Senator HANK BROWN, the senior Senator from a neighboring State, Colorado, who is retiring at the end of this Congress. It seems, out there on the plains, we are dropping like flies.

HANK BROWN's service to the State of Colorado and our Nation has ranged from the U.S. Navy and a tour in Vietnam, to serving in the Colorado State Senate, the U.S. House of Representatives, and the U.S. Senate. More importantly, however, I understand that Senator BROWN played some football while at the University of Colorado. While Nebraskans are not usually humble about football, I humbly acknowledge that the Nebraska record against Colorado from 1958 to 1961 was 1 win and 3 losses.

As the ranking Democrat on the Senate Budget Committee, I have had the privilege of working with Senator BROWN on several budget initiatives. I believe he and I share a commitment to deficit reduction and responsible Federal spending second to none. I appreciate Senator BROWN's hard work in this area and have enjoyed the opportunity to work with him on these most important issues. HANK BROWN possesses one of the keenest senses of humor in the Senate. He is a delightful individual.

I commend HANK BROWN for his hard work in the Senate and his contribution to our Nation and the State of Colorado. I wish him success in all his future endeavors.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Missouri.

SMALL BUSINESS INVESTMENT ACT AMENDMENTS

Mr. BOND. Mr. President, as chairman of the Small Business Committee, I am working with Senator BUMPERS, my ranking member. We have agreed that we should pass H.R. 3719, the Small Business Act and Small Business Investment Act amendments, with a substitute.

Senator BUMPERS and I have tried to accommodate all of the concerns of Members, both of the committee itself and of this body. It is vitally important, if we are going to continue to provide funding for small businesses through the SBA programs, that we move on this.

I am advised that there are still some clearances to be obtained on the other side. I serve notice on all my colleagues we are, we hope sometime later today, to proceed to unanimous consent to proceed with this measure so we can continue small business financing efforts.

I acknowledge my colleague from Pennsylvania has been waiting a long time. I will not pursue this any further. But I want all of our colleagues to know that we hope to be able to get consent to pass this bill and send it back to the House for final action, we hope by tonight, because this is vitally important.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL BIRTH ABORTIONS

Mr. SANTORUM. Mr. President, I rise today to continue the deliberation here in the Senate of the issue of partial-birth abortions. We have had a discussion over the past several days in the Senate about this issue. I think it is good that we continue the debate. I have asked for a time agreement for tomorrow, and I hope we can get that, from 9 to 2 tomorrow morning and into tomorrow afternoon, and then a vote at 2 o'clock. I know that is being hotlined right now. I do not know if there has been any objection to that. But I think 5 hours of debate is a reasonable period of time for both sides to get the opportunity to put forward their views on this issue. I think, while we have had some debate, and maybe we will even have some more debate today, I think this is such an important issue that that kind of time is necessary to really have the Senate work its will, for it to be a deliberative process and a deliberative decision based on all the information.

As I said yesterday, there is a tremendous amount of information, frankly even still coming out, about this issue and about the number of these procedures that are performed in this country. I think it is important for all Senators to realize exactly what we are voting on here and its impact, as I said yesterday, not only on what we will tolerate as a country, what lines we will draw as to what is permissible in our society, in our civilization, but what it will say about the quality of life in our country.

While I was sitting here listening to some of the remarks, I thought about what I read last night in the House debate. Member after Member got up and

talked about: Well, you know, we are talking about deformed fetuses—I will talk about that later in my remarks—deformed fetuses, as if, because they are not perfect, they are expendable. I found it sort of ironic that the very people in the House of Representatives who stood up and gave as a rationale for allowing late-term abortions a deformity of a fetus, in many cases—in fact, in most of the cases described by the testimony—not fatal deformities but just deformities, those people who say that a mother can abort a baby because of that deformity are the same people who get up with passion—and I admire the passion—who fight for the Americans With Disabilities Act because they believe people with disabilities can, in fact, contribute to our society and who argue for IDEA because they believe children with mental difficulties or physical disabilities can, in fact, contribute to the educational process of all children.

Yet, when it comes to the very initial right—not the right to go to school, not the right to have a curb cut so your wheelchair can get from street to street, but the right to live, the right to be a citizen of this country—that is where they draw the line; that that is not an issue worth fighting for; that that disability is somehow so great that it is not worth fighting to protect that disabled child from being delivered through this procedure feet first, completely delivered up to the head.

The only thing remaining in the birth canal is the baby's head. A pair of scissors is taken and punctures the base of the skull. A catheter is then inserted into the brain and the brains are suctioned out. That brutal, gruesome, barbaric procedure administered to a baby from 20, 21 weeks on; in some cases, third trimester abortions, late third trimester abortions in some cases. That is OK, because the baby isn't perfect.

Fortunately, in the House of Representatives, many Members who voted against this piece of legislation to ban this procedure had second thoughts, gathered more information, listened to the testimony that was given, listened to the new findings which I talked about yesterday in Richard Cohen's article in the Washington Post where he said when he wrote his original article back in June of last year, ''I was under the understanding that late-term abortions were rare and they were only for health and life of the mother reasons, or that the child to be born would have no chance of surviving. But I find that is not the case,'' he says. He cited an article written by a colleague of his, a physician at the Washington Post, Dr. BROWN.

We have another article written by a woman with the Bergen County Record who said that in New Jersey alone this late-term abortion procedure done, in many cases, on viable babies at 24 weeks and older are not 500 a year, as some of the pro-choice lobbyists would have you believe, like Planned Parenthood and others who conveniently don't keep close track of these things, but 1,500 a year, just in one particular area of New Jersey alone—1,500 a year.

That fact was not known when the Senate first deliberated. It was an important fact that caused the change of opinion of one Member that was written about by Cal Thomas today in the Washington Times, Marge Roukema. I served with MARGE during the 4 years I was in the House. Marge is a pro-choice moderate Republican from New Jersey. Quoting Mr. Thomas:

> Representative Marge Roukema, a pro-choice moderate Republican from New Jersey, decided that instead of voting in lockstep with the rest of her pro-choice colleagues, she would go beyond the sloganeering and the sound bites. Though Mrs. Roukema voted against the original bill banning partial-birth abortion—a procedure in which a fully formed baby is delivered feet first—

Scissors inserted in the head and the brains sucked out—

> she switched sides and voted to override President Clinton's veto of the measure.
>
> The reasons Mrs. Roukema gave for her change were as honest as they were profound. She said her concerns about protecting the mother's life had been answered—

In fact, there is a provision in the bill that was inserted by Senator Dole when the bill came through that this procedure would still be permitted if it were necessary to save the life of the mother

> putting the lie to pro-choicers' charges that the bill would jeopardize women's lives. She also said she was satisfied that doctors would not be prosecuted if the procedure were performed in dire circumstances.
>
> Mrs. Roukema said, ''Over time, I've been reading about this and informing myself. It's a decision that was very difficult to make, but I decided (partial-birth abortion) comes too close to infanticide.''

She took the time to weigh the facts. As I said yesterday, I have a tremendous amount of faith—a tremendous amount of faith—in the U.S. Senate and its deliberative capabilities, and I have faith in every one of the Members here who will not be blinded or blocked into a position because they are pro-choice or pro-life.

This is not a pro-life, pro-choice issue. This is an issue about a procedure that is so barbaric and inhumane that if it were performed on an animal, we would be hearing the animal rights activists storming the Capitol today. If it were performed in another country, the human rights people would be saying we should have trade sanctions against them until they stop it. And yet it is performed in this country thousands of times and in many, many cases, as I quoted yesterday from the doctors in the Bergen County Record, in most cases on healthy babies, healthy pregnancies, and healthy women who had no problem with their pregnancy but was purely elective.

Other Members who are pro-choice stood up and took a very difficult position in support of the override of the President's veto.

I give them a lot of credit for doing so, because it is not easy to stand up and draw a line. One such person was a Member from across the river, Mr. MORAN, who I was elected with when I first came to the House of Representatives back in 1990. I will quote from his statement on the floor of the House just last week:

> Mr. Speaker, I am very hesitant to speak on this issue.

I share with Mr. MORAN that I was very hesitant to speak on this issue. I had been a Member of the House for 4 years and have been a Member of the Senate for 2 years. Never once, prior to this issue, did I ever speak on the issue of abortion. I have talked to several of my colleagues over the past few days, now that I have stood here talking about this and they, too, have told me, ''You know, RICK, I've never spoken on the floor of the Senate on this issue, but I feel compelled to do it this time.'' So I give credit to Mr. MORAN, a Democrat, pro-choice.

Continuing his talk:

> For one thing, I have been associated with the pro-choice side throughout my legislative career, and I do believe that when the issue of abortion is considered, it really ought not to be a legislative issue; it ought to be a personal decision by a woman with the advice of her physician, within the context of her religion and family. I do not believe that this issue falls within that rubric, within that context of decisionmaking.

He then says he agrees with Roe versus Wade and describes the decision of Roe versus Wade. I will continuing quoting:

> What we are talking about now, though, goes beyond that third trimester. We are talking about the delivery of a fetus clearly in the shape and with the functions of a human being. And when that human being is delivered in the birth canal, it cannot be masked as anything but a human being.
>
> We should not act in any legislative way that sanctions the termination of that life. And that is why I urge my colleagues to vote to override the President's veto of this legislation.

I know that is not an easy thing to do. I know it is not easy to get up and talk about those issues. What I also know is I know it is not easy for people to listen to talk about this issue.

One of the things that I think probably led me not to speak so much—not so much—at all on the floor of the U.S. Senate about this issue is because it is so uncomfortable to talk about. I was assailed yesterday by one of my colleagues saying, ''Well, you never delivered a child, and so you really don't know what it's like, and you really don't have any standing to talk about it.''

It is true I never delivered a child, but I have been there for the three deliveries of my children with my wife Karen, and I saw those children born. I had the privilege of cutting the umbilical cord in all three cases and holding that little, vulnerable baby. Two of our children were born premature. We are lucky enough to have a fourth child on the way, and we follow the growth and development of that child.

No, I have never had a baby, but I am a father who understands what life is

about. So while I may not have the standing that some in this Chamber believe I should have, I think I have every right to stand up for those children as a father, as a citizen, and as a Senator. So I will continue to do so.

This is a difficult issue because it pushes us to the edge and makes us so uncomfortable to think about a viable baby, not a blob of tissue an inch long, not a little embryo, but a baby. My wife—as I mentioned, we have three children—but my wife has had a lot more experience with babies than just our three children. For many years she was a neonatal intensive care nurse in Pittsburgh, PA. She worked in the NICU unit, level 3, which is the most severe level, with the babies that are having the toughest time surviving. She worked with 24-week-old babies. She even worked with a 23-week-old baby. She reminded me last night that the eyes were still fused on that baby. That baby is alive today.

She said, yes, it is a struggle for those young babies. But they fought and they fought and they fought, so many of them, and they did survive. What this procedure does to those little babies, if we allow that to happen in this country—well, I hope we do not.

The Senator from California yesterday said that we could get a bill agreed to here in the U.S. Senate just like that if we just had a provision that said, that in addition to protecting the life of the mother, that we added a section that said, ''to protect the health of the mother.'' I attempted to respond, but I sort of ran out of time. I would like to respond to that.

I will assure the Senator from California that we could not get an agreement on that issue with Members who voted for this legislation. The reason is very simple. No. 1—and I will read for you physician after physician after physician who say that this procedure does not—does not—protect the health of the mother. In fact, they would argue that in fact it greatly endangers the life of the mother, more so than other procedures, No. 1.

No. 2, it also enhances the risk of infertility and the inability to carry a child to term.

So even if you accept—I cannot accept the premise that there is a need for this procedure to save the health of the mother. It is in fact contradicted, and it is in fact more threatening to the health of the mother to do this procedure. So to say this procedure is necessary to do that puts forth a false assumption, and then you are asking me to agree to it. I cannot agree with something that is not true.

Second, what we have seen repeatedly in this country is that health of the mother is in fact not a limitation at all; that health of the mother means, yes, physical health, but also mental health, social health in the sense that if it is a young girl who wants to have this procedure, that we have to worry about her social standing in order to allow this to happen, and financial health. Health has been broadly defined in this country to the point where it is not a limitation to a procedure at all. I think anyone who argues that fact knows fully well that it is not a limitation. So the underlying premise of the health exception is a faulty one. Secondly, health is not a limitation.

So in either instance, I could not accept an amendment like that because, No. 1, it is not true, because the health is not endangered by doing some other procedure more than it is by doing this one, and, No. 2, it is not a limitation.

Let me read from some obstetricians who have commented on this health issue and life issue.

''I can't think of any situation where you would have to carry out a specific, direct attack on the fetus,'' said Dr. James R. Jones in an April 19 interview at St. Vincent's Hospital and Medical Center in Manhattan.

Dr. Jones is chairman of the department of obstetrics and gynecology at the New York Medical College in Valhallaran. . .and head of obstetrics and gynecology for the hospital.

* * * *

''Their intent is fetal death,'' Dr. Jones said. ''I can't imagine that being an indicated procedure for the saving of a life or well-being of the mother.'' He said it amounted to ''simply another elective abortion'' and was ''practically infanticide.''

In cases of special difficulty, obstetricians can always resort to Caesarean delivery, he said. Even if an obstetrician knows in a particular case that the baby is unlikely to live, he said, its death is not the intent and no direct action is taken to kill the baby.

Dr. Nancy Roemer, who I know has testified before here, and in fact may have been up on the Hill today—I do not know that. I know there were some physicians up here again to try to educate Members of this body who are going to have to make this critical decision, possibly tomorrow afternoon, as to what the medical facts are, not some information thrown out there by advocacy groups attempting to influence the debate, like Planned Parenthood, who put out, ''Oh, there's only a few hundred of these done,'' when we find out the facts after the bill was passed and vetoed. The fact is, there are thousands of them done. In fact, as Richard Cohen said in his article in the Washington Post yesterday, nobody knows. Conveniently, those people who perform a lot of the abortions do not want to keep track of these kinds of abortions, do not want to keep track of late second-trimester and third-trimester abortions.

It is inconvenient for their cause of trying to convince the American public that these abortions only occur when they are very early on, and we do not have a baby that looks like a baby. It is not really a baby. At 24 weeks, it is a baby. You can call it what you want, you can try to call it a choice, but it is a baby.

I asked the Senator from California yesterday three times—and I really do not want to be combative. I really want the Senate to try to deliberate thoughtfully, to try to remove some of the emotion that always gets wrapped up in these debates, obviously, with reason. This is a very emotional subject. I asked her three times, and I will ask her again, because unfortunately she did not answer me any of the three times yesterday. I said, let me give you this set of facts: A partial-birth abortion is being performed—whether it is a normal baby, a perfect baby, or a baby that has some abnormalities—and you have a 24-week-old baby being delivered feet first, everything is delivered, the shoulders are then delivered, and by some mistake of the obstetrician, the head is also delivered. Would it be the choice of the mother and the obstetrician to then kill the baby?

Now, I think most people within the sound of my voice would clearly say, ''No.'' But if you say no, if it is so obvious, and is it not obvious? Does it not just hit you? Of course not, of course not, absolutely not, not even a question that the doctor at that point, with a baby in its hand, and maybe just in one hand, moving, that that doctor could not kill that baby.

Two or three inches, then, is the difference between what some would say, ''Of course not,'' to ''OK.'' Two inches before, ''OK,'' two inches later, ''Of course not.'' That is the line being drawn in this country now about life—about life. Is that the line that the U.S. Senate, this great deliberative body, this body that when I talk to people from other countries look at this place and see this country as something they aspire to, something they want to emulate, that we cannot get two-thirds of the men and women of this body to say that 2 inches is too close of a call, that that is too fine a line, that we have gone over the line about what is right in our society?

I think we as a body can do that. I think we as a body can stand up and do the right thing. I think Members who have voted differently on this issue in the past can change their vote based on new information.

Dr. Nancy Roemer said on the claim ''medical necessity'' that the President has invoked and Members on the other side have invoked, ''I am insulted to be told that I am tearing a woman's body apart by not doing this procedure.'' The ''tearing a woman's body apart'' line comes from a White House ceremony where the President vetoed this bill. ''As physicians, we can no longer stand by while abortion advocates, the President of the United States, the newspaper and television shows, continue to repeat false medical claims to Members of Congress and the public. This procedure is currently not an accepted medical procedure.''

The American Medical Association legislative counsel said it is not a recognized medical procedure. It is done in abortion clinics, as many of the doctors have said here, for the convenience of the person performing the abortion.

A search of medical literature reveals no mention of this procedure, and there is no critically evaluated or peer review journal that describes this procedure. There is currently also no peer review or accountability

of this procedure. It is currently being performed by a physician who is not an obstetrician. It is in an outpatient facility behind closed doors and no peer review.

That is what Dr. Roemer says about the necessity for this procedure and the appropriateness of this procedure. Let me quote another physician who happens to also be a Member of Congress, and that is Dr. COBURN from Oklahoma, who spoke last week on the floor of the House of Representatives.

Mr. Speaker, I have spent the last 18 years of my life, including a great deal of time of the time 2 years while I have been in this Congress, caring for women who deliver babies. I personally have been involved in over 3,000 births that I attended. I have seen every complication and every anomaly that has been mentioned in this debate on partial-birth abortion.

I am not standing here as someone who is pro-life. I am not standing here as someone that is a freshman Republican. I stand here today to make known to Members that they can vote against an override for only two reasons on this bill: One is that they are totally misinformed of the true medical facts; or that they are pro-abortion at any stage for any reason.

The facts will bear this out. That is not meant to offend anybody. If someone feels that way, they should stand up and speak that truth. But this procedure, this procedure is designed to aid and abet the abortionist. There is no truth to the fact that this procedure protects the lives of women. There is no truth to the fact that this procedure preserves fertility. There is no truth to the fact that this procedure, in fact, is used on complicated anomalous conceptions. This procedure is used to terminate mid and late second-term pregnancies at the elective request of a woman who so desired—in some cases, I might add, third-trimester abortions.

This has nothing to do with women's emotional health. This has to do with termination of an oftentimes viable child by a gruesome and heinous procedure.

What we should hear from those who are going to vote against overriding this is that they agree, that they agree that this procedure is an adequate and expected procedure that should be used, and that it is all right to terminate the life of a 26-week fetus, that otherwise the physicians would be held liable under the courts of every State to not save its life should it be born spontaneously.

This debate is not about the health of the women. This debate is about whether or not true facts are going to be discussed in this Chamber on the basis of knowledge and sound science, rather than a political end point that sacrifices children in this country.

That is an obstetrician. I have a letter here signed by 4 obstetricians of an organization called PHACT, which is the Physician Ad Hoc Coalition for Truth. It lists scores and scores of OB/GYN'S, who are against this procedure—and speak in very graphic terms against this procedure—including 123 members of the American College of Obstetricians and Gynecologists. They say the same thing: ''This procedure is not necessary to preserve health, fertility, or the life of a mother.''

I see the Senator from Oklahoma here. I have more things to say, but I have been on the floor for a while, and I want to give him an opportunity to speak. I will continue talking about this at a later time.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment the Senator from Pennsylvania for his courage in taking on this very sensitive and yet very important issue. It is an issue that we deal with in the Senate, maybe with some reluctance, but it is certainly an issue that deals with life and death. The Senator from Pennsylvania is trying to save the lives of innocent, unborn, almost-born human beings. He is trying to see that the overwhelming opinion of a majority of the American people is upheld—in this case, outlawing the most gruesome type of abortion possible.

I was doing a little homework on this. I compliment the Senator from New Hampshire, Senator SMITH, for his leadership on this issue because he made a lot of us aware that this practice was ongoing—a practice that people who are opposed to this ban, who don't want to see any restriction of abortion whatsoever, say rarely ever happens. I don't think that is the case. As a matter of fact, I have a couple comments that show there are thousands of these abortions performed every year. But in learning a little bit about the practice, it is really gruesome. The doctor—I don't want to call it a doctor. The abortionist has to go to some trouble to make sure the baby is not totally delivered. It is not an easy process. If the baby's head comes out, then you have a live child. Before that, you have a live fetus, by their definition. So they have to hold the baby's head in, in order to kill the baby, extract the brains from the head of the baby, and then remove the dead baby. This is happening thousands of times in our country.

We passed a ban. Congress overwhelmingly passed a ban to stop this gruesome, painful procedure. Unfortunately, President Clinton vetoed the ban. I think he was wrong. Dr. Koop mentioned that he thought maybe President Clinton had bad advice. I think he had bad advice, and I also think he was basically coopted by the groups who call themselves pro-choice. I know a lot of individuals who classify themselves as pro-choice that want to see this procedure stopped. They are offended by this procedure.

Let me make this one comment. Dr. Pamela Smith, an obstetrician at Mt. Sinai Hospital in Chicago, and Director of Medical Education in the Department of Obstetrics and Gynecology at that hospital, testified before the House Judiciary Subcommittee on the Constitution that even when describing the procedure to groups of pro-choice physicians, she found that ''many of them were horrified to learn that such a procedure was even legal.'' That is in the House report 104–267, page 5.

As Dr. Smith further points out, ''partial-birth abortion is a surgical technique devised by abortionists in the unregulated abortion industry to save them the trouble of 'counting the body parts' that are produced in dismemberment procedures.''

That was in a letter to U.S. Senators on November 4, 1995. She says in the same letter, ''Opponents have insinuated that aborting a live human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptively and patently untrue.''

In a July 9, 1995, letter to Congressman TONY HALL, a registered nurse who had observed Dr. Haskell, who has performed over a thousand partial-birth abortions himself, perform several partial-birth abortions, described one such procedure. Again, this is somebody who was assisting the abortionist. She saw the procedure.

The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while, his little head was stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out.

That is this procedure. That is gruesome. That is cruel. That is killing an innocent baby that is only seconds or inches away from delivery.

The American Medical Association's Council on Legislation, 12 members, thoroughly considered H.R. 1833 and voted unanimously to endorse the bill. After their action became public, they reconsidered the matter and voted unanimously again to endorse the bill. Although the full AMA Board of Trustees decided to take a neutral stance, the Senate does have the benefit of the carefully considered judgment of the AMA Council on Legislation on the bill. The AMA Legislative Council did not call for more time in which to study the bill. They had all the facts they needed to make a judgment. And so does the Senate. This bill should be passed. The President's veto should be overridden.

Mr. President, some people say that partial-birth abortions are done in order to save the life of the mother, or to protect her health. President Clinton used that as an excuse in his veto. I will give you a quote. According to the Physician's Ad Hoc Coalition for Truth, a coalition of about 300 medical specialists, including former Surgeon General C. Everett Koop, they emphatically state that even in cases involving severe fetal disorders partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. Never. These are the professionals. They say that a partial-birth abortion is never necessary to protect the mother's health or future fertility.

Dr. Martin Haskell—who I spoke about early and who performs partial-birth abortions—one of the major proponents and practitioners of this technique, states that some 80 percent which he has performed were for purely elective reasons. That was in an interview with AMA's American Medical

News, July 5, 1993. His late colleague and fellow proponent of the partial-birth method claimed in material submitted to the House subcommittee that nonelective reasons to perform the procedure include psychiatric indications, such as depression and pediatric indications, that is, the mother is young.

Mr. President, one other comment. Some of the people who have advocated that this procedure should not be banned say it is very rare. I think they are incorrect. The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure. During last year's debate, the New York Times quoted the pro-choice National Abortion Federation as saying that only about 450 partial-birth abortions are performed each year. However, two lengthy investigative reports published last week in the Washington Post and the Record of Hackensack, New Jersey, reporters for both newspapers found that the procedure is far more common than pro-abortion groups have indicated, and is typically performed for nonmedical reasons.

The Record found, for example, that a single abortion clinic in Englewood, New Jersey, performs at least 1,500 partial-birth abortions per year—three times the number that the National Abortion Federation had claimed occur annually in the entire country. Doctors at the Englewood clinic say that only a minuscule amount are for medical reasons. One of the abortion doctors at that clinic told the Record

> Most are Medicaid patients, black and white, and most are for elective, not medical reasons: People who didn't realize, or didn't care, how far along they were. Most are teenagers.

Mr. President, it is unbelievable to me that this unspeakable abortion procedure even exists in this country, much less that we have to take legislative action to ban such a procedure, as well as attempt to override a Presidential veto.

It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is all right to end the life of a baby whose body, except the head, is fully delivered. In order to engage in such a fiction one has to take the position that the curling fingers and the kicking legs have no life in them. Those who subscribe to such a fiction are at best terribly misguided. It is time to end this injustice and the practice of this procedure. I urge my colleagues to join us in voting to override the President's veto.

Mr. President, I agree with my colleague, Congressman TOM COBURN, who has delivered over 3,000 babies. He is still an active obstetrician. He is a professional in this area. He said this procedure is never, never called for. It is never necessary. He knows. The people who are supporting this procedure are saying we should never have any restrictions on abortion; that if you can't have this restriction, then you should not have any restriction, period. That means abortions for sex selection. That means abortion on demand for any reason. Abortion is a method of birth control; in this case birth control when the baby's head is only a few inches from delivery; maybe just a few seconds. Maybe the doctor is keeping the baby's head in so that life can be destroyed inside while the baby's head is still in the mother instead of just a few seconds later when it would be recognized as murder.

Mr. President, how can you say when the baby's arms and legs are kicking that it is not a live baby? We need to protect the lives of those innocent children. We need to override the President's veto.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OMNIBUS PARKS BILL

Mr. MURKOWSKI. Mr. President, I am waiting for one of my colleagues. But in the interim I would like to bring to the attention of the Members the prospects again for addressing the 126 individual bills in the omnibus parks package.

This has been the culmination of some 2 years in the committee of jurisdiction, the Energy and Natural Resources Committee. As a consequence of that effort we are on the eve of initiating an action in this body that would result in the passage of this very important legislation which clearly is the most significant environmental package with some 126 bills that has come before this body.

As a continuation of my previous remarks, the conference-adopted amendments in sum serve to ensure that this legislation will rectify particularly the accumulation of inadequate funding which now totals some $4 billion necessary to maintain our parks in a manner which is in keeping with the uniqueness and oftentimes the sanctity of those areas.

One of the amendments adopted and totally submitted by the Senator from Arkansas, Senator BUMPERS, which addressed concerns of the National Park Foundation Act, is evidence that that amendment would serve to ensure that the legislation would not lead to unwarranted commercialization of the parks, or abuse by corporate sponsors. The theory, Mr. President, here is that this legislation would be implemented in such a way that it followed very much that patterned after the national Olympic committees which authorize certain very select stipulations with regard to certification by the Olympic committees of activities that can occur in association with the Olympics.

For example, if a movie is made in one of our national parks, is there any contribution given to that national park to that movie? If there is a picture of an automobile, a new model portrayed in front of Mount Shasta, is there a contribution from Chrysler, Ford or General Motors to that park?

This is the innovative approach that we are hoping to prevail in the National Park Foundation Act to help fund our parks, not to commercialize the parks. We are not going to have the park sponsored by ''Joe Blow's Gas Station,'' or something of that nature, I assure you. It is going to be in keeping with the intention of the park.

Mr. GORTON. Mr. President, will the Senator, while he retains the floor, yield for a question?

Mr. MURKOWSKI. I am pleased to yield to the chairman of the committee of jurisdiction on parks.

Mr. GORTON. Mr. President, I want to say to my dear friend, the distinguished colleague from Alaska, how much I have admired all of the work that he has done as the chairman of the Committee on Energy and Natural Resources, and especially for his dedication to putting together and crafting a bill with a wide-ranging impact on our national parks and on other recreational land, and lands that are appropriate for preservation. I know how much that he wanted also to pass and have included provisions that are very important to him and to the people he represents in Alaska, and to other Members of this body.

I must confess that I felt that his ambitions were as great as they were worthy and that they were very likely to cause this body to not be able to act on many of these matters. As a consequence at the request of a number of Members of both the House and Senate, I have seriously considered whether or not it is appropriate to include in the Department of the Interior portion of our appropriations bill at least some of the important and not so controversial elements of that bill. I do have a particular interest—not that of a constituent interest—in one part of that. The Presidio portion of that bill is very important because the Presidio is by far the most expensive of our national parks and takes up a tremendous amount of the appropriations in which I supervise and oversee and chair in this body. To get the kind of community participation in San Francisco that we have desired to take some of the burdens of the local aspects of the Presidio off our hands so that we can better fund other national parks is important. So that was one element of the bill that we proposed to include.

I have been as delighted, however, as I was surprised at the ability of the Senator from Alaska now to put together a conference committee report which is ready to be reported and debated in the Senate. I simply say to my

colleagues they are not going to get the half or quarter loaf that was a possibility in the appropriations bill. This was an alternative if the conference committee could not work a way out. I am as committed and as dedicated to the passage of the entire bill that the Senator from Alaska as the chairman of the committee has submitted, I hope, almost as much as he is. It is, in the vernacular, the only train through town during the rest of this session, and I hope the Senate will soon be able to take it up and be able to pass it.

With that, I yield.

Mr. MURKOWSKI. If I may respond to my colleague with reference to the Presidio in relation to the trust which is authorized in the legislation, it is my understanding the proposal advocated by some for the Government to manage that facility was somewhere in the area of $1.2 billion. The intention of the trust will be to use some of the extraordinarily talented people in San Francisco who are knowledgeable on finance, development, and environmental concerns to come together and operate this similar to the Pennsylvania Avenue effort here in Washington that has been so effective in rejuvenating the downtown area. Obviously, the people of San Francisco are closest to that and the justification for that application working, I am satisfied, having met several people that I assume would be appointed by the President if, indeed, the Presidio package becomes law.

Mr. GORTON. The Senator from Alaska is entirely correct. The National Park Service is not set up to be the manager of the extensive and varied kinds of buildings that are found on the Presidio, very expensive to keep up, very expensive in requiring a great deal of sensitivity to lease or to rent in a way that is consistent with the land around and in the Presidio itself. So the trust is clearly the right way to go, and that is the leading element of the bill that the Senator from Alaska has reported. It is by no means the only one. As I understand from his notes, as many as 41 States may have projects that are helped by that bill. I hope, as the Senator from Alaska does, that the Senate will take it up promptly and will pass it promptly and it will be signed by the President. But in any event, that is the only way we are going to get from here to there.

Mr. MURKOWSKI. I thank my friend from Washington. I remind him, too, that Washington has some other interests. There is the Vancouver Reserve establishment and the Hanford Reach protection that are associated with the State of Washington exclusively. There are currently 126 individual bills in this package, and the significance of it, as the Senator well knows, is the result of a great deal of individual Members' and staffs' time, commitment, and hearings that have resulted in the last 2 years of effort.

Now, some of my friends tell me they have been at their individual bills longer than that. I want to assure my friend from Washington that those items that the administration identified as items, in their opinion, warranting a veto—the Tongass was one, Utah wilderness, grazing, the Minnesota boundary waters—all have been removed. I am sure if the administration wants to find something to veto, why, they will choose to do that, but they should also bear the responsibility of accountability for the very positive aspects of this bill which do represent some 41 States' interests and 126 individual participations in this portion.

I thank my friend from Washington for his statement relative to the fact that this is the train. It has left the station. I encourage my colleagues to recognize that, if we do not do it now, it simply will not get done. I thank my friend from Washington.

I will conclude my references with the remainder of my statement, Mr. President, relative to a little more enlightenment on the issue. I again refer to the National Park Foundation Act and the aspects of ensuring that we will get the balance necessary to ensure that the parks are not victimized by commercialization associated with this amendment, which would simply relieve some of the appropriation process to ensure that the funds can be contributed by appropriate corporate sponsors related to legitimate activities that are allowed in the parks similar to what I have described relative to movie background and the tradition there has been no consideration given to the parks for that and other types of activities in keeping with the sanctity of the park.

I do want to expand on one more item of major importance which I think some would suggest is as important to some extent as the Presidio and that is the California bay delta environmental enhancement legislation which is in there. This provision is backed by virtually everyone and is equal to or certainly on a par with the Everglades initiative in its significance because those of us who are familiar with the bay area recognize what this bay delta environmental enhancement legislation would do to clean up the bay. The authorities in this bill will allow for massive restoration, massive cleanup in San Francisco Bay and the delta region.

As I have indicated in the colloquy with my friend from Washington, this legislation touches nearly every State in the Nation, and while we attempted to address the concerns of all of our colleagues, as I have indicated, some of the items fell by the wayside either because we could not agree among our conferees, the House and Senate could not agree, or the administration could not agree. Of course, as I have indicated earlier, President Clinton made it very clear that if certain provisions were included in the package, he would veto the entire effort, no matter how meritorious.

As I indicated, we addressed that in the wilderness bill which was abandoned, the grazing bill which was abandoned. Unfortunately, communities in our Western States are not too happy about this. A portion of Minnesota will not have the benefit of motorized portages in the Boundary Waters Canoe Area. In my State, the Ketchikan contract extension provision was left on the table because the President made it clear that he would veto the entire bill. This meant as many as potentially 4,000 jobs—1,000 direct, 3,000 indirect—would be the result of not including that contract extension. Those are the only year-round manufacturing jobs we have in the State. As a consequence, I feel very badly about this. These are jobs that this administration sacrificed in my State, in my opinion, to appease an environmental lobby, which I think is unfortunate because the environmental lobby has attempted to instill fear instead of reality and logic. There is a very positive reaction which could result from the Ketchikan contract extension leading to advanced technology in other mills. But, for reasons that are quite obvious, the objective is simply to terminate harvesting of all timber in forests. And this administration and the environmental community seem to be hell-bent to achieve that.

The administration seems to have continued to oppose any value-added use of the Tongass National Forest. I think it is difficult, and sad, when the Government turns its back on the men and women who have built communities and towns and made them livable for those who come after. I think it is a harsh action. It is one without compassion. And the explanation is, well, if there are people suffering, we will simply write a check; we will provide funds to offset their loss of jobs through various types of assistance.

That is not what built America. That is not what built my State. It is not what is going to continue to maintain our area. There are certain limitations on what taxpayers should be expected to do given what people want to do to help themselves. I think it is disappointing the administration has chosen to turn its back on our workers, again, effectively killing our only year-round manufacturing/processing plant in the State.

So, we have come full circle in the Tongass. Some of my Alaskan friends will reflect on the time when we were a territory, prior to 1959. They had a couple of sawmills. There was no real available timber at that time. There was no demand at that time. The Forest Service was not structured to any extent at that time. The theory was: How can we develop some jobs, some tax base, an economy in southeastern Alaska?

After the war, they began to look north towards the pulp stands. I might add, 50 percent of the standing timber is in the form usable for pulp. It does not meet sawmill requirements. It has virtually no other use than dissolving pulp. The question is, are we going to allow this 50 percent of timber in

southeastern Alaska to be exported to the pulp mills in the south 48, Washington, Oregon, British Columbia?

The head of the Forest Service, who later became Governor in the State of Alaska, Governor Hickel, initiated a plan to establish four pulp mills in Alaska. Two of those were built. Two years ago, under environmental opposition, the Sitka mill was closed. Today, or in the not too distant future, we are about to see the termination of the one remaining mill, the Ketchikan pulp mill. So we made full circle to where we were when we were a territory. We have no utilization of 50 percent of the timber, other than to export it to mills in the Pacific Northwest and British Columbia, exporting our jobs, exporting our tax base.

There are a lot of unhappy Alaskans as a consequence of the inability of this administration to consider the merits of extending the contract so the $200 million investment can be made in a new mill.

So, the administration eliminated the chances for the pulp mill contract extension because there are certainly not enough votes in a Presidential election year to override a Presidential veto. I think it is truly regrettable that this administration has seen fit to make Tongass management an election issue, to pander to some of the extreme environmental groups who have established themselves in our State. I think we have 62 of them now. If you are not in Alaska, you are not a legitimate environmental group. They send their lawyers up to do missionary work, because everybody has a little different view and vision of Alaska. Their vision is that somehow Alaska should not be subject to any responsible resource development. Whether it be timber, oil and gas, mining, we cannot do it safely, really selling American technology short. They use their presence, then, for their cause or causes, raising money and increasing membership by advanced rhetoric, fear tactics that we cannot do it safely.

Mr. President, we are currently 51.4 percent dependent on imported oil. In 1973, we were 36 percent dependent on imported oil. The Department of Energy says by the year 2000, 4 years away, we will be 66 percent dependent on imported oil.

We are exporting our jobs, we are exporting our dollars, we are exposing the national energy security interests of this country to the whims of the Mideast that we have become so dependent on. We will pay the piper. The public will blame Government. They will blame the industry. We have been producing 25 percent of the total crude oil for the last 18 years. It is in decline. We can replace it. We have the know-how. But America's environmental community says no.

They do not say no with an alternative; they simply say no, because it generates membership and the American people cannot go up and look at it. They cannot go up and look at Endicott, which is now the seventh largest producing field in North America. The footprint is 54 acres. If we could develop, with the technology we have, the ANWR area would be 12,500 acres or less, about the size of the Dulles International Airport if the rest of Virginia were wilderness. Those are the dimensions. That is the technology. We will pay the piper and the environmental groups will not take any of the responsibility.

Their cause is fear. They have been very effective. And those of us who have tried to be a little more objective, I guess, have failed. That is where we are, certainly, on this issue, with the loss of our only manufacturing plant.

In conclusion, all the controversial items have been removed from this bill. The administration may not like every detail of every provision, but in total it is a very acceptable, very profound, very worthwhile package because it is for our parks and for resource conservation. It addresses the concerns of our national parks and our public lands. I guess it also represents what is wrong with our system, because Member after Member will come to me, as does the media, and say: Why did you have to have this huge package of bills? Why did you not pass them out? You are the chairman of the committee.

In deference to all of us, we know how this place works. Virtually every bill we reported out, every one of these 126 bills that are in the package, have had holds placed on them after we moved them out of committee, reported them out of committee. This is a right, under the rules of the Senate, but that is what is wrong with the process. So, after our efforts to untangle this and put it together and take away those items that were poison pills that the administration addressed, we presented the package as a consequence of the conference last night and our ability to have the House accept and send over the package.

We had one senior Senator who placed a hold on committee bills because of totally unrelated bills which the full Senate eventually voted, 63 to 37, to pass.

The abuse of the hold has contributed to the construction of this package. I guess one bill cannot move without another and another and another. The system needs repair so the Senate can proceed to meritorious legislation in a timely fashion on the merits of each individual bill.

I see other Senators waiting. This Senator has been waiting to bring the Presidio package before this body since 1 o'clock. I understand there is some concern on the other side of the aisle. We have not heard an expression of what that concern is. As I have indicated, if they are looking for an excuse to hold it up, veto it, then let's say so. Let's say so. Let's have it out. I am sure they can find one.

But if not, as the Senator from Washington said, if you are expecting some of the issues, some of these bills to be taken out of the omnibus parks package and put in the reconciliation package as a consequence of work underway by the Interior Appropriations Subcommittee, you have just heard the Senator from Washington, the chairman of that subcommittee, indicate that this is the only train moving. He is not going to take bills out of this portion and put them in the Interior appropriations bill and put it on the CR.

This is the train that is moving. We are ready to move with it. If you are going to hold up the train, you have to bear the responsibility for 41 States that are affected here—37 to 41, depending. Some of them are double-counted, like New Jersey and New York, because they affect both States, or the 126 individual bills that are in the package.

I encourage my colleagues to either come to the floor and indicate why they find it unacceptable, or face up to the opportunity we have now and pass it now. Procedurally, the last point I want to make is, if there is a motion that prevails to recommit, the package is dead. It is over. That is it once and for all. It is gone. We have lost our opportunity.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, may I inquire what the procedure is at the current time?

The PRESIDING OFFICER. The Senators can speak in morning business.

PARTIAL-BIRTH ABORTION

Mr. COATS. Mr. President, I would like to take a few minutes to speak on the issue that we will be debating at some length tomorrow, partial-birth abortion. My understanding is we have reserved a considerable amount of time for debate tomorrow.

I think it is important we have that debate. Clearly, we are heading toward perhaps one of the most difficult, but most important, votes in the U.S. Senate, difficult because it deals with an issue of such immense consequences that I think it is important that each Senator focus very clearly on the issue at hand.

This is not another one of those issues where I think anybody can just simply say, ''Well, I'm pro-life.'' ''I'm pro-choice.'' ''What is the pro-life vote?'' ''What is the pro-choice vote?'' ''Tell me what that is and I'll vote and walk off the floor and go on with my business.'' In my opinion, whether you are of the pro-life persuasion or the pro-choice persuasion, this issue deals with something of even greater consequence than that issue which is of extreme consequence. But this deals with something beyond the normal discussion that has taken place on the issues that would be categorized under the ''pro-life, pro-choice'' issues.

The President's veto of legislation passed by the Senate and passed by the

House of Representatives banning partial-birth abortions, except in the case where the mother's life is jeopardized, forces us, I believe, to confront a fundamental question of whether we will have a society that is civilized or one that is uncivilized.

It is of such great importance and such consequence that I urge every Senator to examine carefully the facts—not the rhetoric—but the facts surrounding this issue. Facts that were—at least information that was purported to be fact during the original discussion of this issue have now fallen to new information, information that has indicated to us that we did not have all of the facts at hand when we made that original vote. Hopefully, that will cause some Senators to reconsider their vote. It certainly has caused some of those who have examined the subject and written about the subject to reconsider their position.

Richard Cohen, who less than a year ago, during the time of debate on the partial-birth question, wrote an article which was published in the Washington Post, and probably in other periodicals around the country, justifying his conclusion that the partial-birth abortion procedure was justified.

But after examination of what he called ''new data about this type of abortion,'' he wrote a second article in which he admitted to having been misled by the data supplied by, and I quote his writing, ''the usual pro-choice groups.''

Ruth Pabawer, writing for the Sunday Record in New Jersey, after extensive investigation determined that ''interviews with physicians who use the method''—that is the method of partial-birth abortion—''reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year—three times the supposed national rate.''

It was stated on this floor a number of times, and has been repeated on this floor a number of times, that we are talking about a very rare procedure, one that is used primarily, and almost exclusively, in cases of extreme health distress or extreme risk to the life of the mother; that it is performed roughly around 600 or so times a year on a national basis.

Yet, a respected reporter writing in New Jersey has concluded after her investigations that at least 1,500 partial-birth abortions are performed each year in that State alone, and that most of those 1,500 abortions are not performed in situations or instances when the life of the mother is at stake, not even performed for medical reasons, but simply performed because the mother-to-be of that child has changed her mind; that circumstances are different, that there has been some indication of a problem but, in most cases, not even that, merely a change of mind as to whether or not that child was a wanted child. And so the abortion is performed.

If we extrapolate the 1,500 in New Jersey out nationwide, we are talking about several thousand, if not tens of thousands, of these procedures occurring every year. This is data that was not available to us when we discussed this issue on the floor previously.

Mr. President, it was the Washington Post that reported that it is possible, and I am quoting, ''and maybe even likely, that the majority of the partial-birth abortions performed are performed on normal fetuses, not on fetuses suffering genetic or developmental abnormalities. Furthermore, in most cases where the procedure is used, physical health of the woman whose pregnancy is being terminated is not in jeopardy. In virtually all cases, there are alternative ways to perform the abortion safely.''

This is only part of the evidence that has been supplied to us and provided to us that was not available when we debated the issue earlier. I suggest this new data is something that every Member of the Senate ought to very carefully consider, because if a decision to support a procedure, a medical procedure, which, as Senator MOYNIHAN has suggested, really borders on infanticide—taking a child, sometimes five, six or even more months of gestation, a child that, if born, would, in most instances, easily survive, easily be nurtured to complete health—if that happened at that stage, then we clearly would have a situation that would require no medical procedure, no abortion procedure.

Yet, that child is, under partial-birth abortion, almost born, is within 3 inches and 3 seconds of birth and then killed, terminated. That life is terminated. The heart is beating, the brain is functioning, the body is complete, the child is ready—even though it might be premature—it is ready to become a functioning member of the human race, of the human society. Yet, that child, and I will talk more about this tomorrow, that child is then subjected to generally a probe or scissors punctured into its brain, a suction tube inserted through that hole, its brains sucked out of its skull, the skull then collapses to allow the abortion then of the dead child.

That is the procedure we are talking about. It may have been justified in some minds on the basis that this was a rare procedure. It may have been justified in some minds on the basis that this procedure was necessary to save a mother's life. We now know that that is not the case. We now know that in most instances of partial-birth abortion, that no such situation is reality. Rather, we now know that these are simply done as a feasible, medically feasible means of terminating the life of the child.

This Nation has, in its history, always sought to expand the circle of those who deserve equal rights under the Constitution, and deserve to be a part of this civilization. We have fortunately—and too late—but still fortunately shed the discomfort and disgust we once had, or at least some had, for people of different color, and we have brought them into the full civil rights of the Constitution and of people in this Nation.

We have extended those rights to people of the other gender, women in terms of their rights and ability to vote. Our impulses have extended rights to those who are disabled. The Americans With Disabilities Act extends those rights. But the history of civil rights in this country has been an ever-widening circle of inclusion.

Yet, for the most defenseless in our society, for the smallest, the weakest of our society, we refuse to extend that right. And in this situation, in the case where the child is clearly beyond the age of viability, under any definition, when birth of the child simply means an extended hospital stay until the child is a little stronger and able to go home, with his or her mother, we have a situation where, in most instances, for the sake of convenience that child's life is terminated.

But, Mr. President, I do not mean to imply that this is a matter of numbers, that even if there were only 660 abortions performed on an annual basis that that would justify that procedure. Because even if one abortion were performed using the medical procedures used in partial-birth abortions or performed at the age of the child which these abortions are performed, even if there was only one, we ought to have this debate on the Senate floor. And we ought to have this vote, because this is a procedure that it is now clear is a procedure that takes the life of a living human being, a human being fully viable, fully capable of living on its own.

If this procedure were performed in another country, I would guess that we would be down here debating the human rights of that country, and there would be amendments offered to deny trade, to deny foreign relations, to reach out and call out these unspeakable procedures that are taking place in nations around the world.

If this were a procedure that was being performed during conflict, in a war, we would have people standing on this floor arguing and debating and offering amendments calling for war criminal trials against those who were performing the procedure. And yet, here we are standing on the floor of the U.S. Senate, and calling this a choice, a medical procedure, chosen by a woman in consultation with her doctor. And those of us who believe that this procedure should not be performed are being labeled as those who attempt to interfere with that choice.

Mr. President, I will have a great deal more to say about this tomorrow as we engage in our full debate. But I hope again that each Member would avail themselves of the new information that has come to light about this procedure, about the number of times that it is performed, about why it is performed, and would think through very carefully about the consequences of allowing this procedure to continue,

the consequences to us as a society, as a civilization, and what it says about a society that, under the mantle of law, allows such a procedure to take place. Mr. President, with that, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE NATIONAL ENDOWMENT FOR THE ARTS, THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. PELL. Mr. President, during my last days in Congress, I wish to state my unequivocal support of the restoration of funds to the National Endowment for the Arts and the National Endowment for the Humanities. These fine agencies have sustained disproportionate and unreasonable cuts over the past 2 years, and the erosion must stop.

As coauthor of the legislation that created the endowments 31 years ago, I have felt like a proud father as both endowments have served the guiding principles upon which they were conceived. Overall, their programs have been remarkably successful. There has been overwhelming evidence of the positive impact of the arts and humanities on education, the economy, urban renewal, and cultural pride. It is important that two endowments are funded sufficiently to be able to continue their worthwhile and extremely effective endeavors to improve the quality of life for all Americans.

Mr. President, I am by no means alone today in favor of continued Federal funding for the arts and humanities. There is a strong bipartisan commitment. Earlier, Senator JEFFORDS and I circulated a letter signed by 31 Members that expressed their support of appropriations for the NEA, NEH, and IMS in fiscal year 1997 at current or slightly increased levels, and I ask that the letter be included in the RECORD. Other Members have spoken with us subsequently regarding their support.

The American public remains solidly and strongly behind Federal support for the arts and humanities. A recent Harris poll found that a 61 percent majority of Americans—to 37 percent saying ''no''—would be willing to be taxed $5 more in order to pay for Federal financial support for the arts. These people believe the arts to be important and would sorely miss them if they were not there.

In Rhode Island, the restored Humanities funding means quite literally survival for an extremely important project that provides fascinating information to all Americans, not just the residents of my State. With NEH funding, the Rhode Island Historical Society is reassembling the Papers of Nathanael Greene from over 100 libraries and collections scattered around the country, and is currently preparing the 10th of a total of 13 planned volumes. Nathanael Greene, you will recall was a Rhode Islander sent by George Washington to liberate the South—a task he accomplished with distinction. If work on the Papers stops now, it will be the history of Georgia and the Carolinas that would not be published. Interestingly, while Greene was alive, Congress promised to publish his daily letters and orders. How poignant that we fulfill this promise now.

As I enter my last days as a U.S. Senator—36 years among wonderful colleagues—I urge Congress to support the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services at a level where they can fulfill their potential and continue to bring American culture to all Americans. I hope to hear that the issues that are preventing the reauthorization of the programs of these agencies will be resolved amicably in the 105th Congress.

Mr. President, I ask unanimous consent that a letter to the chairman of the Subcommittee on Interior Appropriations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 18, 1996.

Senator SLADE GORTON,
Chairman, Subcommittee on Interior Appropriations, Washington, DC.

DEAR SLADE: As the appropriations process for fiscal year 1997 begins in the Senate, we wanted to take a moment to share with you our strong commitment to supporting continued funding for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH) and the Institute for Museum Services (IMS). As you know, this issue of continued federal funding for the arts and humanities is one of great importance to us—one which was successfully resolved last year, in large part due to your leadership in working out the differences between the House and the Senate.

As you recall, last July, the Labor and Human Resource Committee passed a bill to reauthorize the National Endowments for the Arts and Humanities and the Institute for Museum and Library Services—by a vote of 12–4. This strong show of bi-partisan support, we believe, demonstrates a continued sentiment on the part of the Senate to fund these agencies. Therefore, we strongly support your efforts to include appropriations for the NEA, NEH and IMS for the upcoming fiscal year and hope that we might see an increase over last fiscal year's appropriations for these agencies—enabling each one to continue the important job of making the arts and humanities more accessible to people all across our nation.

We recognize that you will face many difficult decisions in the weeks ahead, and ask only that you continue to keep in mind the positive and valuable effect that arts and humanities projects have in all of our respective States. The Senate's commitment to federal support will ensure that arts and humanities programs, activities and exhibitions will continue to be available in local communities—engaging and educating individuals of all ages—in addition to making an enormous contribution to expanding and enriching our nation's cultural heritage and artistic traditions.

We are grateful for your support of the reauthorization of the National Endowments as well as your leadership in managing the Interior Appropriations bill last year, and look forward to working with you again this year.

Sincerely,

Jim Jeffords, John Chafee, Al Simpson, Bill Frist, Jay Rockefeller, Barbara A. Mikulski, Frank R. Lautenberg, Paul D. Wellstone, Carol Moseley-Braun, Claiborne Pell, John Glenn, ———, Barbara Boxer, J. Lieberman, John Breaux, Bill Bradley, ———, Daniel Patrick Moynihan, Carl Levin, Bob Kerry, Wendell H. Ford, ———, Charles S. Robb, Olympia J. Snowe, ———, Patrick J. Leahy, Christopher J. Dodd, Ron Wyden, Daniel K. Akaka, ———, Thomas A. Daschle

HOW THE UNITED NATIONS BENEFITS AMERICANS: THE U.N. ENVIRONMENT PROGRAMME

Mr. PELL. Mr. President, last week, the 51st session of the U.N. General Assembly convened in New York City. To recognize the occasion, I spoke on the floor of the Senate to highlight some of the many benefits that the United Nations brings to the American public. The United Nation has furthered American national interests by working to promote peace and democracy, to protect human rights, to strengthen international stability, and to foster cooperation between states on a wide range of important issues. Today I wish to focus on one of these important issues—an area where the United Nations has made significant advances by enabling countries to work together and to find common solutions to common problems. Today I wish to discuss the unique role of the U.N. Environment Programme.

The 1972 U.N. Conference on the Human Environment in Stockholm was the catalyst for the creation of the U.N. Environment Programme [or UNEP]. As a participant in those meetings, I eagerly supported the effort to integrate human development and the protection of the environment as two equally important goals to the international community. The establishment of UNEP ensured that all countries would have access to technical information and skills in order to develop and improve national environmental policy. UNEP has also served as a valuable forum for reaching international and regional consensus on laws and operational standards that reinforce cooperative efforts to achieve long-term sustainable development.

Because of its unique role within the United Nations as the only agency with the mandate to make environmental concerns the top priority, UNEP has facilitated U.S. policy initiative in the environmental field. As Secretary of State Warren Christopher noted in an address at Stanford University last April:

The environment has a profound impact on our national interests in two ways: First, environmental forces transcend borders and oceans to threaten directly the health, prosperity and jobs of American citizens. Second, addressing natural resource issues is frequently critical to achieving political and economic stability, and to pursuing our strategic goals around the world.

I wholeheartedly agree with Secretary Christopher that the United States must view environmental problems from a global perspective. The actions of one state inevitably affect the well-being of the citizens of its neighbors. The United States cannot afford to ignore the overpopulation, or the pollution, or the deforestation occurring in other countries because the consequences could be devastating right here at home.

That is why the United States has participated in and supported U.N. agencies like UNEP. It is in our own best interests to work together with other states to protect the international environment. Under the leadership of UNEP over the last 20 years, the international community has agreed upon several international conventions which directly further U.S. environmental objectives. These conventions include the 1973 Convention on International Trade in Endangered Species [or CITES] which prohibits or regulates trade in some 35,000 endangered species; the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, which have led to a 77 percent drop in global CFC emissions since 1988—saving millions of lives through the prevention of skin cancer—and the 1992 UN Framework Convention on Climate Change, which commits industrialized countries to reducing their emissions of greenhouse gases by the year 2000. These are but a few examples of international cooperation led by UNEP which have benefited U.S. citizens.

Despite these tangible benefits, however, I am concerned that the survival of UNEP is in jeopardy today. At a time when our Government's financial constraints are increasing, the United States should be looking for ways to increase cooperation with other states in order to avoid bearing the cost of acting alone. While I support the calls for making U.N. agencies more efficient and effective, it is important that the United States continue to play a leading role in promoting international environmental cooperation by supporting UNEP. The Clinton administration should persist in its efforts to streamline the programs and personnel of UNEP while making some real financial commitments at the upcoming meeting of the governing council in January. Equally important, the decision on the leadership of UNEP should be given high priority for United States attention during the next month.

This is a critical moment for UNEP as the agency's financial crisis has reached a point where many of its important programs may no longer be viable. Given the recent decrease in financial and political support for UNEP from its member states, the international community must decide whether or not environmental concerns are still a priority on the international agenda. If the answer is yes, then all member states must commit themselves to both reforming and financially supporting UNEP. We have seen 20 years of impressive progress in the environmental field that has often been achieved through the expertise and leadership of UNEP. With so much at stake, it would be a tragedy to allow this organization to founder today.

WORLD LEADERS SIGN TEST BAN TREATY

Mr. PELL. Mr. President, I was fortunate to be in New York at the United Nations yesterday with President Clinton for the signing of the Comprehensive Test Ban Treaty.

I can report to you that there is a tremendous sense of gratification of achievement in the United Nations with regard to this treaty. It was finally approved last week by an overwhelming majority of the Members in a 158-to-3 vote.

I will be serving this fall at the United Nations as a Member of the United States delegation. Fifty-one years ago, I had the honor of serving on the International Secretariat of the San Francisco Conference that drew up the United Nations' Charter. I was one of those flushed with youthful enthusiasm with regard to the potential future of the United Nations. In the years since, there have been excellent achievements and some disappointments. I must say that I rank the united effort that led to the comprehensive test ban as one of the paramount successes.

President Clinton has been able to bring to fruition an effort begun more than three decades ago by Presidents Eisenhower and Kennedy. The first test ban was negotiated under the direct and forceful leadership of President Kennedy, who drew upon the workable aspects of the Russian position in order to help bring about the Limited Test Ban Treaty of 1963, which restricted nuclear testing to underground environs.

The next test ban treaty came in 1974 under President Nixon's leadership, when the Threshold Test Ban Treaty was negotiated. The companion Peaceful Nuclear Explosions Treaty was signed in 1976 in the Ford administration.

President Carter attempted to achieve agreement on a comprehensive test ban, but lacked sufficient time to do so. President Clinton played a leading role in bringing the comprehensive test ban, which represents the culmination of those earlier efforts, to conclusion this summer.

Under this treaty, the parties will be obligated not to conduct any nuclear weapon test explosion or any other nuclear explosion. This very strong prohibition is a direct result of President Clinton's forward-thinking decision on August 11, 1995, not to agree to any exceptions to this ban, but instead to negotiate a true zero yield comprehensive test ban treaty.

Bringing this to fruition was a very high priority of Secretary of State Warren Christopher and ACDA Director John Holum. It involved years of painstaking work at the Conference on Disarmament in Geneva by Ambassador Stephen Ledogar and his delegation and in Washington by the backstopping team led by Dr. Pierce Corden of the Arm Control and Disarmament Agency.

There is no question in my mind that this treaty from this date forward will constrain the qualitative development of nuclear weapons. International controls and the inspection regime will become active upon entry into force. It will serve to ban the development of advanced new types of nuclear weapons and it will serve to demonstrate to the world that the declared nuclear powers—United States, Great Britain, France, Russia, and China—are truly committed to control their nuclear arsenals and genuinely desire to contribute to the prevention of nuclear proliferation.

This treaty truly represents a significant step toward nuclear disarmament.

Mr. President, we would be deluding ourselves if we thought that gaining Senate advice and consent to a comprehensive test ban treaty is going to be easy. It will not be. Once the treaty is submitted by the President, the Committee on Foreign Relations, of which I have been chairman or ranking member since 1981, will hold thorough and wide-ranging hearings. It is a process that I would enjoy very much, but will instead be viewing from a distance as a retired Senator.

The degree of contentiousness that is possible can be seen in the simple fact that the treaty was achieved by a Democratic President with the support of his party and is rejected in the Republican Party platform adopted this summer.

I hope that the hearings to be held by the Committee on Foreign Relations will serve to bring the sides together and will serve to assuage the fears and concerns of those who fear the possible consequences to our national security of a comprehensive ban on nuclear testing.

I believe that, since nuclear weapons design clearly is a mature science, we do not need further testing to assure that our scientists have done their work well and that we can move into a future without nuclear testing secure in the knowledge that we have a fine and reliable nuclear arsenal deterrent that will serve us well so long as we rely upon nuclear weapons to protect us.

Experts will testify that there are no safety and reliability issues that would necessitate further testing. Experts will also assure us that the restraints that this treaty will place on other nations are very much in our national security interests. Moreover, I would expect there will be expert testimony from the intelligence community that will provide the necessary reassurance to the Senate.

When all of that happens, I would expect that the Senate will, indeed, determine that it can proceed ahead with the comprehensive test ban without any jeopardy to our national security. That step forward will bring us well-deserved commendation from other nations and it will be a gift beyond value to the generations that will succeed us.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

PARTIAL-BIRTH ABORTIONS

Mr. INHOFE. Mr. President, like the Senator from Indiana, this is kind of a preview to coming attractions. I plan tomorrow to spend some time on the floor talking about one of the most serious issues we have been addressing here in the U.S. Senate, that is, the issue of partial-birth abortion.

As I was listening to the Senator from Indiana, the statements he made, it occurred to me that if we made one mistake during this entire debate, it has been to refer to this as an abortion, because most people think of abortions as something that is taking place prior to the time that, in their own minds, a fetus becomes a human being. I suggest that everyone has to make that decision as to when human life begins. I made my decision many years ago.

But I think when you deal with something as barbaric as a procedure such as the partial-birth abortion, you have to understand that this is something that happens at a time and can happen during a normal birth process.

I know the occupant of the Chair recently went through an experience when his wife delivered a new child. I am happy to tell you, Mr. President, that on Friday of this week, I will have my fourth grandchild, so I know something about this, too.

I remember so well, and I will be referring to this tomorrow, an experience I had about January of this year when we had the birth, at that time, of my third grandchild. My daughter called me up and said, ''Daddy, would you like to come over and come into the delivery room?'' Of course, back when we were having babies they would not let you in the same hospital, let alone the same delivery room. I remember so well when the baby was born, baby Jason was just a tiny, beautiful thing, and it had not been more than a minute since his first breath and she handed this baby to me, and I thought, this is just about the time this procedure has been customarily used; if only people knew what was happening, the fact that an incision would be made into the back of the head in a baby that is three-fourths of the way already born in this world, open up the head, and place a catheter and suck the brains out and the skull collapses. It is barbaric. It is a procedure that we have to do something about in this country.

I had occasion to ride back to Oklahoma with one of my fellow delegates, a Member of Congress, TOM COBURN, a medical doctor. TOM COBURN, Member of the House of Representatives, described this, because he saw this procedure take place one time. He said it was nightmarish.

Last Monday, I had occasion to be in a number of cities and small towns in Oklahoma, having a series of town meetings, places, Mr. President, you have never heard of, like Durant, OK, and Idabel, OK, and Pontotoc, OK. There was not one place where they did not bring up in the course of this meeting: Are you really going to do something back there like the House did, do away with this procedure? Well, when I told them that the votes were not there and that President Clinton had vetoed our attempt to make this procedure illegal, it became, all of a sudden, a character question on him: Why would he do that? I have no way of answering that.

Tomorrow I will present over 15,000 signatures of people from Oklahoma and the comments they have made, over 15,000 people who are saying: Whatever you do, override the veto as the House of Representatives did.

As I have served here and I see people who want to retain a medical procedure that allows this method of taking the life of a small baby and I think of the people who are behind this, and you know what the baby is going through, because tomorrow I will read a report that will lead you to the incontrovertible conclusion that a baby, even in the first trimester, feels and senses the same pain that you feel, Mr. President, or anyone else in this Chamber, or any baby that is fully born and out and breathing today.

It occurred to me when the distinguished Senator from Indiana, Senator COATS, was talking a few minutes ago and he talked about if this were happening in another country we would be invoking sanctions, we would be talking about how this might affect trade, talking about economic aid. I would go a step further than the Senator from Indiana. I would say if this had been happening, if this procedure were legal and taking place in an animal, a dog or a cat, those same people who are trying to keep this medical procedure in our law would be picketing back and forth outside our Senate offices.

Tomorrow we will have a chance to talk about it.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 2129 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I am advised by leadership that there will be no further votes today.

Mr. President, I rise to address the question of the partial-birth abortion ban.

Mr. President, I must disclose at the start of this discussion that I am pro-choice. I have been pro-choice ever since I entered public life. I have been pro-choice in my voting pattern in the Senate and pro-choice in my voting pattern in the House of Representatives. I was pro-choice in my voting pattern in the State legislature of Colorado. I have been pro-choice in the discussions and debates we have had in Colorado, as well as in Washington, DC. So I come to this question of partial-birth abortions with a clear pro-choice record.

I must say that I am not for subsidizing abortions. In that regard, no one is liable to give you a perfect score—even the pro-choice groups of which I feel part of, because occasionally those votes get counted. But then I have not been very good at subsidizing anything with public funds. So perhaps I can be seen as unforgiving in that area.

Mr. President, I am pro-choice because I believe in limited Government. I know many of my friends and colleagues have described someone who is pro-choice as being liberal. My own sense is that it is exactly the opposite. A society that gives citizens maximum choice and discretion in their lives is conservative, in my way of thinking, not liberal. For those who have suggested that this unreasonably or unfairly restricts a person's right to choose, I submit that that is a mistake. If someone shares my view that part of limited Government involves maximizing individual freedom and choice, then they rightly wish to preserve rights for people, even though they may not agree with them. Such, I think, is the case with many people who seek to preserve people's rights or the freedom to choose with regard to abortions. That does not mean—in spite of what the critics say—that one has to be in favor of abortions. It does mean that one has to understand that sometimes things happen in a free society, that we don't like, and where we do not think it is the Government's right to dictate the answer.

Mr. President, it seems to me that it is important for Members, as they cast this very important vote on the veto override, to take a look at the specifics of the bill itself. Here are some observations, that I see as I look at it. The expert testimony we had before the committee indicated that as many as 1,000 to 1,500 abortions a year, perhaps more are done using this procedure. The actual number of partial-birth abortions performed in a year is unknown. Second, it is a very rare procedure and very limited in scope, primarily confined to a late-term pregnancies. If one approaches this issue with concern about preserving the right to choose, and suggests that banning this procedure eliminates the right to choose, I think they would be mistaken. It is quite clear, if one looks at the facts and the number of these procedures that are performed, that restricting them or prohibiting them does not eliminate someone's right to choose. The bill is extremely tightly drawn.

Mr. President, I played a small part in helping to make it a tighter bill. As Members are aware, the bill does involve potential liability claims for people who violate the law. That liability was more broad than I thought it ought to be. To limit the scope of the bill on the issue of liability, my amendment was adopted to prohibited a complainant from suing those who assist the doctor in performing the procedure. Prior to that amendment, it was possible to sue the nurses, anesthesiologist, and attendants associated with one of these procedures. My amendment eliminated those potential liability claims because those people primarily respond to the initiatives of the patients and physicians and not acting on their own authority. I also offered the amendment that prohibited the father from suing under these circumstances, if he was not married to the mother at the time of the procedure and if he had not stepped forward to acknowledge the child and provide support for the child. I see no reason for us to provide a windfall to deadbeat dads. We ought to be encouraging people to take responsibility, not think up rewards for those who don't.

But, Mr. President, we cannot ignore the medical evidence. Let me be specific in this case.

The experts that testified before the committee not only indicated quite clearly that this is an extremely rare procedure but they disagreed dramatically with regard to the effectiveness of this procedure.

Here I call to mind Dr. Warren Hern. Dr. Warren Hern is a resident of Colorado. He runs an abortion clinic in Boulder, CO. He runs a clinic that probably does more late-term abortions than any clinic in the State of Colorado and perhaps one of the largest number of late-term abortions of any clinic in the country. By anyone's description, Dr. Warren Hern is prochoice. We were contacted by Dr. Hern a few days ago. He is director of the Boulder Abortion Clinic and the assistant clinical professor of the Department of Obstetrics and Gynecology at the University of Colorado Health Science Center.

Dr. Hern has written three books, is an avowed advocate of abortion choice, and has written over 40 academic papers concerning abortions and other aspects of women's health and fertility. He is clearly regarded as an expert in this field and an expert in this field who is clearly pro-choice. Dr. Hern's message, as it was relayed to me, is consistent with the testimony he submitted to our committee hearings; and, that was simply that the partial-birth abortion procedure is not a safe procedure for women and that he himself, who practices in this field and performs late-term abortions, would not use it because of the danger involved.

Mr. President, some Members will choose to vote on this issue solely on the question of whether they are prochoice or pro-life. Let me suggest that Members ought to give a little more deep thought to what this bill involves. It does not, in this Senator's belief, involve whether or not you are prochoice or pro-life. It involves taking a look at a procedure that is judged by many experts to be extremely dangerous. We ought to be concerned about that.

The partial-birth abortion ban does not preclude someone from having a late term abortion, it precludes the use of this horrific procedure. It protects women and protects those involved from what many experts consider a procedure that is not safe, is not advised and is not necessary.

Former Surgeon General Everett Koop said.

Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true. The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility. It is clear that late abortion is a dangerous procedure, and in the instance of partial-birth abortion is not necessary.

Mr. President, let me reiterate that. Dr. C. Everett Koop says it is not necessary.

Mr. President, I want to quote from one of our editorials in Colorado. I must say that in Colorado our newspapers and our population are probably some of the most pro-choice newspapers and pro-choice population of any State in the Nation. We were one of the first States in the Nation to eliminate the legal restrictions on abortions.

This is an editorial from the Grand Junction Sentinel that has traced the Roe versus Wade decision and has consistently been pro-choice. Here are the Grand Junction Sentinel comments.

Much will be made about the politics of the House vote Thursday to override President Clinton's veto of a bill to ban partial-birth abortions and whether it is possible to get enough votes in the Senate to override.

Lost in the haze if political rhetoric is information about the procedure Congress seeks to ban.

This corner historically has been supportive of the right to choose, and in support of Roe vs. Wade, the 1973 Supreme Court decision that guaranteed that right. But partial-birth abortion, usually performed after the fifth month of pregnancy, is quite simply an unconscionable procedure in which the brain of the infant is sucked out after the baby has been partially delivered.

When he vetoed the bill in April, Clinton produced five women whose lives, he said, were endangered by pregnancy complications but saved by partial-birth abortions.

This week four nationally recognized doctors who specialize in obstetrics and gynecology, part of a growing national medical group opposed to this, said Clinton's claims were wrong. All of the conditions presented by the president could have been treated by methods safer than partial-birth abortions, they said.

Women who have partial-birth abortions risk being cut, having excessive bleeding and lifelong infertility.

They close with this sentence.

One doesn't have to be a member of the Christian Coalition or an antiabortion zealot to believe that partial-birth abortions should be outlawed.

Mr. President, I am pro-choice and I believe partial-birth abortions should be outlawed, and I believe claims that outlawing partial-birth abortions interferes with the right to choose are simply not accurate. I believe a careful review of the medical evidence that is before us and that has been presented in the committee will clearly document this.

Mr. President, what we need here is not Members lining up on the side of pro-life or pro-choice, although that surely will happen. It happens every time we vote on this issue. But we do need some common sense, and we do need to listen to each other. When we vote on this issue, I believe it is appropriate to look to the medical authorities that have condemned this practice. There are those who will cast a vote because they believe this procedure is immoral. Moreover, they believe that all abortions are immoral and wrong. I am one who has not fallen into that camp. But I do believe we would be remiss if we didn't take the time to look at the facts of the bill and look at the reality of the situation.

These operations are disgusting and horrible and not essential for a woman's right to choose.

I hope Members will go deeper than just their political party or their affection for the President. I hope they will go deeper in making their vote on just whether they are pro-life or pro-choice. I hope they will take the time to look at this procedure, and I believe an objective review of the procedure will lead to the conclusion that this is not an appropriate procedure that should be allowed in the United States.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I want to congratulate my friend from Colorado.

The Senator from Nebraska was talking earlier about some Member who had distinguished himself in his ability to articulate his position well and to take stands on principles, ones he deeply believes in, not be afraid to cross the line sometimes and to take controversial stands that are outside of maybe what would be expected of him.

I think the Senator from Colorado has done that in this case, and he will be missed for his thoughtful and thorough analysis of the issue. I think anyone who listened to his presentation had to come away with an understanding that this is someone who did exactly what I had been hoping and what he called for all Members of the Senate to do, which is to step back. It is not, SANTORUM, don't put your prolife hat on, or, Hank BROWN, don't put your pro-choice hat on, but let us look at the bill, let us look at the facts, and let us try to see whether this is something

that we want to have to continue in this country. I think what you saw in the House of Representatives is just that.

No one can stand up on this floor and say that two-thirds of the House of Representatives are people who are pro-life. They are not. They are not pro-life. Two-thirds of the House is not pro-life. I am not even sure if half of them would consider themselves or call themselves pro-life by the traditional definitions used in this town and across the country. But two-thirds of the House said no to this procedure; said it is time to draw the line irrespective of your opinion on the issue.

So for those who did in the House and already have done so in the Senate to come here and say, well, this is just some of these pro-life extremists trying to meddle again in the right to an abortion does not hold water. It did not happen in the House. That was not a group of pro-life extremists. It was in fact a bipartisan coalition. It was people of both opinions on the issue of abortion as it was here.

You heard from the Senator from Colorado. You will hear, I hope, tomorrow the Senator from New York [Mr. MOYNIHAN] and others who are prochoice say this goes too far, this crosses the line.

I think we have done an injustice by, as the Senator from Oklahoma said, referring to this procedure as partial-birth abortion, because I know in having discussed this issue many times you mention the word abortion and people scurry to their column—pro-life, pro-choice, and tend to only listen to those who agree with them on that issue, as to what their opinion should be on this issue of abortion.

That is why I wanted to thank the Senator from Colorado for his courage in not only offering amendments, as he did, to improve the bill and tighten the bill as he said, but for his courage to stand up and talk to people who may listen and identify with his position on that issue and recognize that it is anything but extremism to say that a child that is delivered all but the head, that in many, many cases is fully viable outside of the womb, is then killed by a blunt instrument to the back of the head and the suctioning procedure, banning that procedure is not extremism.

I have not mentioned but I will—I do not like to talk about these things when I talk about issues of this nature—polls. I hesitate to talk about polls because this should not be an issue that we have to take a poll on. But the polls say that as people understand this and once it is explained to them what the procedure is, over three-quarters of the American public find this abhorrent—in some cases much higher than that. I would think if three-quarters of the American public once informed of this procedure find it to be abhorrent, that two-thirds of the Senate could find it to be abhorrent.

I discussed in my comments earlier the medical necessity for doing this, and the Senator from Colorado did the same and quoted a different physician who said this is not a medically necessary procedure, this is in fact contraindicated as other physicians have said, that this in fact is dangerous to the woman's health, and I went through physicians and what they said about it. I talked about, as I just did, other Members of the House and now Members of the Senate who feel differently on the issue of abortion who have looked at all the evidence and decided that now with this new evidence—one thing the Senator from Colorado did not mention was the new evidence that this is not a rare procedure. I think he still referred to it as a rare procedure, and that is what everyone was led to believe when this bill was first passed, that this was a rare procedure. Planned Parenthood provided information that there was only a few hundred, 300 to 500 of these performed every year. And yet we hear from the report in the Washington Post by Dr. Brown, I think David Brown, on September 17 that this procedure is performed in this area more than just a few hundred times, just here. In fact, Planned Parenthood said this is only done by a doctor in Ohio and the doctor in California. They are the only two. And the Post found that in fact there are physicians in other areas who do it. It was found in the area around Bergen County there are 1,500 such abortions performed, partial-birth abortions performed on fetuses 20 to 24, 26 weeks. I do not refer to a 26-week-old fetus as anything but a baby because it is viable, clearly viable outside of the mother's womb.

So we have had all of that new information, and again I hope to share that and I hope that people do look at that and realize that with this information and with the medical—this is a medical procedure and should be judged not based on your opinion on abortion but based on medical evidence and whether this is medically necessary.

That is one thing it should be judged on. Obviously, you cannot avoid the effect a decision like this has on our culture; about what we say is legal and permissible in our culture. It obviously has an impact on who we are. If the Government says that this is OK, it will have an impact on who we are. And so that is something that you have to think about, too.

The other thing that is not talked about much that I think is important to discuss in light of those who support the procedure, and particularly the President, is the whole issue of fetal abnormality. The President of the United States brought to the White House when he decided to veto this legislation five women, all of whom said that they needed this procedure to be done to protect their health. All of these women had babies—some of them were late-term abortions—had babies who had some sort of fetal abnormality.

In the House and in the previous debate in the Senate many of the supporters of this legislation and the President said that this is a very good reason to have an abortion, that a fetal abnormality, many of which are fatal, some of which are not always, is a good reason to have an abortion, a late-term abortion, and this type of abortion. We have discussed the health aspects of this, is this type of procedure necessary for the health reason. And clearly the evidence, the facts show physicians, both prolife and prochoice, say, no, it is not necessary.

I think there is a bigger issue here. It really goes beyond this whole debate on abortion. And that is the debate on this whole issue of fetal abnormality as a good reason to kill a child, a baby. In some cases we are talking about very late term, we are talking about in the thirties weeks, very late-term abortion, because then we are getting into the fact that, well, it is OK to perform this procedure because the quality of life of the baby will not be what we believe is good, which is the perfect baby.

Now, you have some extreme examples of this in this debate with Dr. McMahon out in California who said that he had nine third-trimester abortions—that is 7th, 8th and 9th month—he had nine such abortions that were done electively, which means there was no health risk to the mother in delivering the baby—nine such abortions done because the child had a cleft palate—a cleft palate. And we have the President of the United States and people in the Senate who are saying it is a decision between the mother and the doctor, it is not our job to say that that is wrong; that the mother has the determination as to what is perfect in her eyes and then the Government, the State has no decision.

I said earlier that the very same people who make that argument are the very same people who stood in this Chamber and the House, and I am proud they did, and argued for the Americans with Disabilities Act. They said that people who are not perfect, who have a disability, have a right to be able to get around to different places, to have employment opportunities, to be treated equally.

We did not bring up this issue. I do not know whether we will before we leave, but the issue of I-D-E-A, IDEA, which is education for the mentally disabled in our school system and the physically disabled—again, the very same people, many of them, not all, but many of whom will stand and say this feature is OK because we have a deformed baby, say that we have an obligation to provide equal education to children with disabilities.

If we have an obligation as a State, as a government, to provide equal opportunities for education for people who are not perfect, at least in the eyes of some, those who have disabilities should have the equal right to education, should have the equal right under the ADA to treatment in the workplace and other places, how can you stop short and say they do not

have an equal right to life? How can you be for all those things and not be for giving this poor—in some cases, yes, badly deformed—baby a right to die with dignity, if that is the case, a right to live?

There is an article in the Washington Times today. It quotes a man, a correspondent. I should not say it is a man because it does not say that. I apologize for that. The article is written by a woman, Maggie Gallagher. It may, in fact, be a woman. It says:

I ran across excerpts from a letter to the editor of the London Spectator. The correspondent wrote: ''I have severe spina bifida, and am a full-time wheelchair user . . . Every day I read in the press about 'exciting breakthroughs' which mean yet another way to kill people like me before birth.

I think that is the point I want to make here. Let us just put aside the whole issue of partial-birth abortion for just one second. Think about what message we are sending out to the people who have disabilities, who have suffered through some of the disabilities described by some of the women that the President brought to justify his decision here. Yes, many of the people who had these disabilities—in fact, in some cases, all of the people who had these deformities—died. But some lived. Some lived for a short period of time, some for a long period of time. What are we saying to them? What are we saying to our culture? What are we saying about these people who came to the floor for month after month on the issue of disabilities, on the issue of welfare, and said, ''What about the children? Don't you care? Where is your compassion? Where is your concern for the least of us as a society?''

Did these children do anything to end up disabled? Is it their fault that they were abnormal, that we should look upon them and say, ''Well, because you are abnormal, you are therefore expendable, and it is justifiable to treat you that way''?

I am going to read an article from a doctor who wrote this just last month in the Los Angeles Times, the Washington edition. The doctor's name is Katherine Dowling. She is a family physician at USC School of Medicine. The title of the article is, ''What Constitutes a Quality Life?''

The nights can be long and frustrating for we doctors whose shifts fall with regularity in the wee hours. A young lady comes in demanding to know if she is pregnant, then fussing for instant termination when she is found to be. An elderly lady wants a cure for her constipation. An addict arrives, angling for a legal fix.

But every once in a while, like the astronomer whose long nocturnal vigils are rewarded one clear night with the smudge of a new comet on his photography plate, we sometimes encounter the extraordinary. I did one recent night.

I doubt you'd peg the couple as extraordinary if you saw them on the street. She had perhaps once been somewhat of a beauty. Her brown hair was cropped short and hung limply, and she clearly had put on a bit more weight with each of her pregnancies. His tummy flopped over his belt, and he had a kind smile. Their child was a young adult based on his birth date, but his brain hadn't really developed much beyond that of a 4-year-old. As he lay on the gurney, occasionally using words only his mother could understand, she calmly told of the recent worsening of his medical problems. When she left the room, he searched for her with the tenacity of an infant, and like an infant, looked into her eyes with pure joy when she returned. Dad waited outside, ready with a smile and a little joke.

They had been caring for their child with love and patience since early infancy, when his problem first began. I suspect that he was a happy young man, in spite of his bad neurologic luck. He'd certainly had good luck in his choice of parents.

To me, these parents showed a caliber of heroism that only a few humans are called on to exhibit in a lifetime. They had put aside their own wants, had accepted a child who would never be capable of doing things even the most ordinary of nonhandicapped children could, had given their son enough love and physical help to make his life not just bearable but apparently happy. In the process, they'd raised a bunch of other children now doing well, and they'd stayed together in a strong and supportive marriage.

Far too often, we assume that a child born with a medical problem is a child whose life is not worth living. We think that parenting such a child is an impossible task. When President Clinton vetoed the bill that would have banned partial birth abortions, implicit in the stories of the women he gathered around him was that they were doing a noble thing for their children and themselves. Extracting the brain from a living, sensate fetus was felt to be better than allowing that fetus to be born with a body that was less than perfect.

In 1995, James McMahon, a leading Los Angeles abortion doctor (recently deceased), sent a submission to the House Judiciary subcommittee on the Constitution, which was holding hearings on partial birth abortion. This document revealed the reasons partial birth abortions were done in a survey of more than 1,000 babies. More than 10% were done because of fetal death, but by definition, this is not abortion. Twenty-four were done for cystic hydroma (a benign lymphatic mass, usually treatable in a child of normal intelligence). Nine were done for cleft lip-palate syndrome (a friend of mine, mother of five, and a colleague who is a pulmonary specialist both were born with this problem). Other reasons included cystic fibrosis (my daughter went through high school with a classmate with cystic fibrosis) and duodenal atresia (surgically correctable, but many children with this problem are moderately mentally retarded). Guess they can't enjoy life, can they? In fact, most of the partial birth abortions in that survey were done for problems that were either surgically correctable or would result in some degree of neurologic or mental impairment, but would not harm the mother. Or they were done for reasons that were pretty skimpy: depression, chicken pox, diabetes, vomiting.

I'd like to commend those parents who have the courage to raise handicapped children. Whenever I see a mother or father holding a sickly baby and looking into its eyes with love, each time there's a Down's syndrome child learning from its sibling how to pile blocks on top of each other, I'm awed by the power of the family to make a ''less than perfect'' life a thing of happiness. And then I know how lucky I am to be in a profession where every once in a while, I get a glimpse of the best in humanity.

Is what we are doing here today a sign of the best of humanity? If we allow this procedure to continue, is this the best we can be? Is this the seminal point? Is this the moment of pride that we came to the Senate to allow to happen on our watch?

For those who voted to allow this procedure to continue, when we vote tomorrow, look around, look inside and tell me whether you think we are exhibiting the best of humanity.

Dr. Dowling said that she had so much respect for parents who went through with difficult pregnancies possibly and maybe with the knowledge of an abnormal child being born.

I would like to read—and I hope I can read, because they are sometimes very difficult to read—letters from mothers who knew that the child within them had fetal abnormalities. I believe all of the letters included here represent all of the conditions that the women that President Clinton had at his side when he vetoed this bill, all of the women—I shouldn't say that, I should read them—certainly a lot of the things that the fetuses of the mothers at President Clinton's veto ceremony —those conditions are represented in these cases.

In some of these cases, the child didn't live an hour, and in some, miracles happened. But in every case, there is a case of courage, and their expressed purpose in writing was not to say that you won't hear this about partial-birth abortion, it was to deliver the point that, ''Mr. President, and those who are arguing for this bill to be defeated, for the override to be sustained, please understand, that this procedure doesn't need to be done to protect the health of the mother, No. 1, and No. 2, that we went through with these pregnancies that you say are necessary to have these abortions, are necessary to preserve our health, that we actual actually did the alternative, and were alive and were well, and we had beautiful experiences. Tragic but, yes, in many cases beautiful experiences. And, please, Mr. President, please the Members who argue for the sustaining of the President's veto on this bill, don't use the baby, don't use the children as a shield. Don't use them as the reason for allowing this to continue. Don't make them the enemy of the mother. In fact, they are not.''

I would like to read a letter first from Jeanne French, from Oak Park, IL, dated July 1996, to the President. And I think she conveys much better than I that point:

DEAR MR. PRESIDENT: I write to you today as a fellow Democrat with something to say about a difficult subject, partial-birth abortion.

You may know that last November I testified before the Senate Judiciary Committee on the partial-birth abortion ban legislation. I was on the same panel as those mothers who chose partial-birth abortions. It was ironic to see you veto the ban framed by the women whose stories I got to know as I sat beside them that day. In my naivete, I expected that your administration would be more open to hearing the other side of the partial-birth abortion question.—I was deeply saddened to be excluded from the dialog you sought on this issue.

In recent months, I've had the opportunity to get to know many women who have carried and given birth to children with fatal conditions from anacephaly encephaloceles, Trisom 18, hydrocephaly, and even a rare disease called body stalk anomaly in which internal organs develop outside a baby's body. We gave birth to our children knowing that their serious physical disabilities might not allow them to live long.

I do not tell you this because we are, or want to appear heroic. We simply want the truth to be heard regarding the risks of carrying disabled children to term. You say that partial-birth abortion has to be legal for cases like ours, because women's bodies would be ''ripped to shreds'' by carrying the very sick children to term. By your repeated statements, you imply that partial-birth abortion is the only or most desirable response to children suffering severe disabilities like our children.

Perhaps inadvertently, you send a message of hopelessness to women and families who anticipate the birth of children with serious or fatal disabilities.

This message is so wrong. We feel that it is imperative that you reconsider the way you talk about options available to mothers carrying very sick babies like ours. Will you consider meeting with me and a few of the women I have come to know over this issue? Will you please extend to the Morsmans, Heinemans, Sheridans, and to me the same courtesy extended to those families who had partial-birth abortions? Will you meet with us personally, and hear our stories?

Thank you for considering this request. I look forward to your response.

The response came back 13 days later that ''the President appreciated the letter but will not have the opportunity to speak with you or your group.''

I ask unanimous consent to have printed in the RECORD the President's response after the reading of the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 30, 1996.

Ms. JEANNIE W. FRENCH,
Oak Park, IL.

DEAR MS. FRENCH: Thank you for interest in speaking with President Clinton on the subject of partial birth abortion. President Clinton appreciates your kind letter.

At this time, it seems that the tremendous demands on the President will not give him the opportunity to speak with you and your group. However, we will keep your invitation on file and will be sure to contact you if any changes in his schedule allow him to accept.

Once again, thank you for your thoughtful letter. Your continued interest and support are deeply appreciated.

Sincerely,

STEPHANIE S. STREETT,
Director of Scheduling.
ANNE HAWLEY,
Director of Scheduling.

Mr. SANTORUM. What are those stories? Why are they important in this debate? I think Mrs. French said why they are important. I think they are important for the purposes of this whole idea that we need to have these abortions legal because of the health of the mother. That is important. That is why, the President said, he vetoed the bill.

We have all sorts of medical evidence and testimony, and even newer testimony, testimony from both pro-choice and pro-life physicians, who say that there is absolutely no health-of-the-mother or life-of-the-mother reason for doing this procedure. In fact, it is contraindicated. It is more dangerous, according to Dr. Hern, who performs abortions and late-term abortions, to do this procedure. So we have lots of medical testimony about the cold medical aspect of it.

What Mrs. French is getting to is something that is maybe more important for us who are nonphysicians, who do not, frankly, feel comfortable about making medical decisions but, hopefully, feel more comfortable about making cultural decisions. That is where we are. The cultural decision is, as Dr. Dowling said, what constitutes quality of life? We are making that decision here. If we sustain the President's veto, the children who just do not measure up, are not perfect, for that reason alone, that we should allow this procedure to continue because they are not wanted in the human family here in the United States of America.

The Senator from Indiana said just a few minutes ago, if we knew that a civilization, a country, was deliberately killing disabled children, what an outcry—what an outcry—there would be from a lot of the very same people who say it is OK to do it if they are only 24 weeks old in their life.

So I think it is necessary to read these stories. I do not know whether I will be able to read them all tonight because I find it very difficult to read them. I have been very lucky as a father of three children that we did not have any ''fetal abnormalities'' with our children. My wife Karen had three healthy pregnancies and is having another healthy pregnancy to date.

But I cannot help but hear these stories and feel such great empathy, as a father, who stood there in the birthing room, in the delivery room, and just waited, with incredible anticipation, for that child to be born, and encouraging my wife, and seeing that little baby, and wondering how that little baby is. ''Please cry. Please take that first breath.'' Jeannie and William and Teresa, Whitney and Bruce, Margaret, the people who wrote these letters, knowing that they were delivering a baby, that once it took its first breath, how difficult that breath would be and how many breaths will they be able to take, and how to deal with them.

The first story is of William and Teresa Heineman of Rockville, MD. I will read their story as they dictated it.

We have noted with concern statements made by several couples suggesting, from their very personal and very tragic experiences, that the partial birth abortion is the only procedure available to a women when the child she is carrying is diagnosed with a severe abnormality.

We have had experiences that were very similar and yet so very different. We have had three children biologically and have adopted three more. Two of our children were born with a genetic abnormality—5–p Trisomy. One also had hydrocephalus. The medical prognosis for these children was that they would have at best a short life with minimal development. Some medical professionals recommended abortion; others were ready to help support their lives. We chose life. That decision carried some hardships. However, God blessed us immeasurably through their short lives.

Our first child, Elizabeth, was diagnosed after her birth. We were deeply saddened but desired to give her the best life we could. Though she never could say a word and could not sit up on her own, she clearly knew us. she learned to smile, laugh, and clap her hands. She was a joy to us for two and one half years. We clearly saw how many lives she had touched with over 200 people attended her Memorial Mass! One child was touched in a very personal way when he received Elizabeth's donated liver. Two others received sight through her eyes.

Our third child, Mary Ann, had been diagnosed with hydrocephalus in utero and shortly after birth with the same genetic abnormality that our oldest daughter had. (We could have known this during pregnancy via amniocentesis, but refused the procedure due to the risk to the baby.) Terry's obstetrician said that we were fortunate, though, that Mary Ann would have the chance to go home with us. We learned to feed her through a gavage tube as she was unable to suck to receive nourishment. Our son, Andrew, developed a special bond with his sister. We spent the next five months as a family, learning, growing and caring for our children. When our precious daughter died, we celebrated her life at a memorial Mass with family and friends.

Our belief in Jesus Christ and His gift of salvation provided comfort for us as our daughters entered their new home in heaven. They remain a part of our family and are always in our hearts. They enriched our lives and touched the lives of many others. Our Creator sent these children to us and we were privileged to love and care for them. What a tremendous loss to all of us who know them to terminate their lives because they were not physically perfect. We look forward to a joyous reunion with them in heaven.

It is so easy to see the half of the glass that is empty when we face difficult problems; will we have the courage to allow our children to have the half of the glass that is full? We pray for other mothers and fathers who are faced with agonizing decisions that they will remain open to the gift being entrusted to them. God's love is ever-present during our times of joy and sadness. He is with us now as well are parents to Andrew, now nine years old, and three children: Maria, Christina, and Joseph; ages 11, 9, and 7, who joined our family through adoption.

Again, this is a story about children who die as a result of the fetal abnormalities that some would suggest are medically necessary to save the life of the mother or health of the mother.

I think what Terry Heineman and Bill Heineman said is that not only is it not necessary to do this procedure to preserve the health of the mother, but I think it says something about how we value life in this country. It is a very disturbing thing, indeed.

Whitney and Bruce Goin from Orlando, FL:

On March 20, 1995 my husband and I found out that we were expecting a precious baby. The discovery was an incredible surprise. We were not trying to become pregnant, but knowing that the Lord's plan for our lives

was being carried out, we were overjoyed, a little overwhelmed, but completely thrilled. I began my prenatal vitamins immediately and followed all known guidelines to protect my unborn child.

Three months later, on June 18, I had an uneasy feeling, nothing that I felt physically, just an anxious, strange feeling. I called my obstetrician and requested a fetal heart check. They dismissed my concern as the first-time-mother jitters but agreed to let me come into the office. unable to find a heart beat, the nurse sent me down the hall for a sonogram to reassure me that there were no problems. This would be my first sonogram where I would actually be able to see the baby. I was five months pregnant.

The nurse began pointing out our baby's toes and feet, and when the baby kicked I smiled, believing that everything was alright. Then, the nurse suddenly stopped answering my questions and began taking a series of pictures and placed a videotape into the recorder. Unaware of what a normal sonogram projects, I did not decipher the enormous abdominal wall defect that my child would be born with four months later.

My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a surgical baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations, etc.

I describe my situation in such detail in hopes that you can understand our initial feelings of despair and hopelessness, for it is after this heartbreaking description that the doctor presented us with the choice of a late-term abortion. My fear is that under this emotional strain many parents do and will continue to choose this option that can be so easily taken as a means of sparing themselves and their child from the pain that lies ahead. With our total faith in the Lord, we chose uncertainty, wanting to give us as much life as we could possibly give to our baby.

On October 26, 1995, the doctors decided that, although a month early, our baby's chance of survival became greater outside the womb than inside, due to a drop in amniotic fluid. At 7:53 am, by cesarean section, Andrew Hewitt Goin was born. The most wonderful sound that I have ever heard was his faint squeal of joy for being brought into the world. Two hours after being born he underwent his first of three major operations.

For two weeks Andrew lay still, incoherent from drugs, with his stomach, liver, spleen and small and large intestines exposed. He was given drugs that kept him paralyzed, still able to feel pain but unable to move. Andrew had IV's in his head, arms and feet. He was kept alive on a respirator for six weeks, unable to breathe on his own. He had tubes in his nose and throat to continually suction his stomach and lungs. Andrew's liver was lacerated and bled. He received eight blood transfusions and suffered a brain hemorrhage. Andrew's heart was pulled to the right side of his body. He contracted a series of blood infections and developed hypothyroidism. Andrew's liver was severely diseased, and he received intrusive biopsies to find the cause. The enormous pressure of the organs being replaced slowly into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments as he overcame a physical addiction to the numerous pain killers he was given.

The pain and suffering was unbearable to watch, but the courage and strength of our child was a miraculous sight. We were fortunate. The worst case scenarios that were painted by the doctors did not come to fruition, and we are thankful that our son was allowed the opportunity to fight. His will to live overcame all obstacles, and, now, we are blessed by his presence in our lives each and every minute. Our deepest respect and prayers go out to the courageous parents who knew that their baby would not survive and yet chose to love them on earth as long as God allowed and intended for them to be.

This is an issue that goes beyond abortion. This is an issue that goes beyond a medical procedure. This is an issue about what we view as life, as good enough life, to be born or to live. To use as a reason for allowing this procedure to continue, fetal abnormality, so badly misses the mark, sends a message to the women of this country, families of this country who are listening, who are having to deal with this issue today, right now the President of the United States said because of fetal abnormality these women should have abortions, it is a good reason to have an abortion, this kind of a partial-birth abortion.

What these women are saying is that we do not need to do that to protect our health and that there is an alternative out there, and that the message from the President of hopelessness for their situation is, as Mrs. French said, wrong. There may be no hope for an encephalitic child to survive long, hours if that, but that does not mean that the situation is as hopeless as you have heard from these letters.

We have an obligation here in the U.S. Senate when we vote on an issue to look at every aspect of that issue, particularly one of this importance and consequence, to look at every aspect of that issue and to weigh all the facts and to weigh the message that we send out when we do something—not only the direct consequences. The direct consequences are clear: Thousands of children, of babies that are 20 weeks and later, will be allowed to be partially delivered, feet first, the entire body delivered except for the head, and will be allowed to be killed—that far, inches away from its first breath.

We know that. That is a fact. That will happen if this bill is not passed here by the Senate over the President's objection. That is what we sort of focused on. We focused on, rightfully, the horror of that procedure being given a legal imprimatur by the U.S. Senate and by the President of the United States of America. That is a tough one for many of us to swallow. It is a tough one for many Americans to swallow. But there is more, and I think the stories of these women and the children involved is another element to this story. I think I am going to save these last couple of letters for tomorrow to read because I don't want to be repetitive tomorrow.

My colleagues, many of whom are otherwise involved right now with meetings and receptions and other kinds of things here on Capitol Hill, I just hope that at some point tomorrow when we are debating this, their television sets are turned on, or they happen to be on the floor, and that they understand this is not just an issue—although it is an issue—of a medical procedure being performed. This is a horrific procedure. It is not just an abortion, it is infanticide. It is infanticide. It is killing a baby. If you can accept that, I guess the argument that we are also making a decision on regarding the quality of life in America sort of pales in comparison, maybe—I don't know. But if you are troubled by that, if it causes you to think again, with all the new information that has been provided over the past several months and weeks, if it bothers you enough to rethink, then also think about that message that we are sending to the less-than-perfect children of America and the mothers who are, right now, dealing with the possibility of delivering an abnormal baby.

My wife is due in March. We haven't had a sonogram done. We are hopeful that everything is fine. What message would it send to me, in looking at that sonogram in a week or two, if they say that if that child just isn't what you want, if that baby of 20-some weeks is just not what you bargained for, you have our permission to go through this procedure. In fact, it is your right to do so. I don't think we want to send that out. As Dr. Dowling said, I don't think that's a glimpse of the best in humanity. I don't think that is a moment that many of the retiring Senators here want to look back and say, ''That was one of my last actions here in the U.S. Senate.'' I don't think we as Americans want our legislative bodies to say those things—that infanticide is OK, as long as the mother and the doctor agree that it is OK. And the children who just are not what we wanted them to be is a justification for terminating a pregnancy of a viable baby.

But let's make no mistake about this; that is what we are saying if we do not override the President's veto. That will be the message to America, to the world, to children who have been so afflicted, and to mothers and fathers who have to make that decision. I think we are better than that.

As HANK BROWN, the Senator from Colorado, came down here and talked about his position on abortion, which is pro-choice, he said that this is the proper place to draw the line. That is all we are asking. Are there no more lines in this country?

(Mr. SMITH assumed the chair.)

Mr. BENNETT. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to yield to the Senator from Utah.

Mr. BENNETT. Mr. President, I remember the original debate on this issue when the Senator from California talked about the very few numbers of

procedures and insisted that medical personnel—doctors—were solidly in favor of allowing these things to continue. I ask the Senator if he has seen the article that appeared in the Wall Street Journal a few days ago, where a group of doctors said it is time to stop listening to the politicians, stop listening to the special interest groups, and let the doctors speak. And they then said, ''We know the vast majority of these procedures are done for elective purposes only and that the health of the mother is, in fact, never in danger.''

I ask the Senator if he is familiar with that presentation and if my memory of it is correct?

Mr. SANTORUM. The Senator's memory is accurate. I, in fact, discussed that article yesterday on the floor and entered it into the RECORD for anyone who would like to see it, as well as other articles from physicians concerning this. Yesterday, a columnist, Richard Cohen—who is prochoice and liberal, and who wrote an article a year ago supporting partial-birth abortions—wrote an article saying he was wrong, that what he was told by the pro-choice establishment here in Washington, the special interest establishment, was incorrect. He did not say this, but I will say it for him. They lied to him, or they deliberately misled him, based on an incomplete presentation of the facts. But in either case, he did not have all the information. He admits that he still doesn't have all the information as to how many of these procedures are done and when they are done. But what we do know is that that argument by Members who oppose this bill, who want to continue this procedure to be legal, no longer exists.

Those who stood and said, well, this is a very rare procedure that is only used to protect the life of the mother—I can refer you to speaker after speaker in the Congressional RECORD of last week in the House who defended this procedure, who got up and said, ''But, Mr. Speaker, we have to do this to protect the life of the mother.''

Well, we have all sorts of medical testimony that that is not the case, No. 1. No. 2, even if it were the case, the bill provides an exception for the life of the mother.

Mr. BENNETT. Mr. President, that was going to be my next question of the Senator. It is my understanding that the bill says that in those circumstances where the life of the mother is in danger, the prohibitions of the bill would not apply.

Mr. SANTORUM. That is correct.

Mr. BENNETT. It is also my understanding that according to the medical information the health of the mother might in fact be in danger by this process.

Mr. SANTORUM. There is testimony that I entered in the RECORD yesterday—and I know Senator SMITH has entered into the RECORD previously, and we will do so again tomorrow—that provides ample testimony of how this procedure is in fact more dangerous than the alternatives, including and particularly delivering the baby at term through either a vaginal delivery or cesarean section. The Senator from Colorado again reminded everyone—who is pro-choice and talked about a physician in Boulder, CO, who performs late-term abortions—saying that this procedure is more dangerous than other abortion techniques used at that stage.

So even if you are for, as I am, the belief that it is important that these mothers have that—we respect all life, even those who are less than perfect, and give them every opportunity to live—even if you do not believe in that, even if you believe that a child that has a fetal abnormality at 35 weeks, premature 5 weeks, should be allowed to be killed before it is born, even though you can deliver the baby without any additional health risks, if you waited 5 weeks, even if you believe that could happen, according to the Senator from Colorado, that is a still a more dangerous procedure.

Mr. BENNETT. I will not prolong the conversation. I thank the Senator for yielding for these questions.

I make this comment. My personal position on abortion is under the pro-life banner. I am one who would be willing to consider an abortion in a circumstance where the pregnancy came about as a result of a rape or incest—which is really nothing more than another form of rape—or where the life of the mother is in fact in jeopardy by virtue of the pregnancy. I was, therefore, somewhat troubled with the initial debate by those who kept insisting that the sole justification for this procedure was because the life of the mother was at risk, and I worried about Congress micromanaging medical procedures. But I have come completely to the conclusion that we did the right thing in passing the bill in the first place. I voted for it.

I intend to vote for the override, and I am heartened by the comment of my friend from New York, who is known for his independence, who is a prochoice Senator on this issue but who summarized I think better than any of us can in a single sentence when he said, ''For me, this comes too close to infanticide.'' Infanticide, for whatever purpose, is not something with which I wish to be associated.

I congratulate the Senator from Pennsylvania on his leadership on this issue. I congratulate him for his compassion. I congratulate him for the depth of his commitments to an issue that I think should touch the hearts of all Americans. I thank him for yielding.

Mr. SANTORUM. I thank the Senator from Utah. If I can, I would like to deflect the praise, frankly, that in every respect should be deflected to the Senator who is sitting in the chair, the Presiding Officer, who in spite of calls against him of being an extremist, and, in spite of—as this issue was just beginning to rise in the political arena—being cast in an extreme pro-life position because, as the Senator from Utah, there is a lot of misinformation out there when this procedure was originally considered and even more misinformation when the Senator from New Hampshire introduced the bill to outlaw this procedure. But Senator SMITH, to his credit, got all of the information, studied it, and presented a bill that was reasonable, mainstream—not by definition when you have 70 percent to 80 percent of the people in this country saying this procedure should not be legal—it is not extreme to agree with them. You can say a lot of things. But when you are with 80 percent of the American public you are not an extremist by definition. Yet, I guarantee that you will hear Member after Member—I do not know how many Members will actually come up and speak against the override, but those that do will come up and will charge the Senator from New Hampshire, the Senator from Pennsylvania, the Senator from Utah, and other Senators with extremism for supporting this bill.

Mr. BENNETT. Mr. President, if I might be allowed, I thank the Senator from Pennsylvania for his correction about the leadership of the Senator from New Hampshire. I agree that is where the credit goes. I say to the people of New Hampshire that PAT MOYNIHAN is not generally thought of as a right-wing extremist, and to have him join the Senator from New Hampshire in this circumstance should provide sufficient cover for anyone who thinks the issue through.

Mr. SANTORUM. The Senator from Utah is absolutely correct. I just have to finish my comment on the Senator from New Hampshire.

The Senator from New Hampshire took this issue when no one else would take it. The Senator from New Hampshire stood on the floor of the Senate and carried the debate the last time in spite of enormous criticism for doing so. The Senator from Pennsylvania is a Johnny-come-lately to this issue, admittedly. I was not aware of this issue until the Senator from New Hampshire was standing on the floor debating one day. I became aware of it, and couldn't believe that we were actually debating something like this on the floor of the U.S. Senate. Are you serious? This actually happens in this country? I will never forget listening to him and listening to the volleys that were lobbed at him and listening to him trying to stand up and present the facts although they were continually obfuscated by the other side. He stood tall, and he can stand tall because he is a tall guy. But he stood tall, and we were able to get this bill through.

So now we are back. But I can tell you, as I said earlier, I had never wanted to debate the issue of abortion on the floor of the U.S. Senate, or in the House when I was there. The Senator from New Hampshire out of courage of

his conviction stands up and says we believe. I saw him that day going toe to toe with the opponents of this legislation. I said to myself ''Where were you? Where were you when they needed to count the people to stand up for what you believe in?

So I came down to the floor for a few minutes. And the Senator was on the floor for hours. I was on the floor, in comparison, for a second, but entered into the debate for the first time. And I want to say to the Senator from New Hampshire that the inspiration that he showed is the reason I am here today, and the reason we are all here today is we won a tough battle. People now are thinking, ''Well, 75 or 80 percent of the American public''—in fact then it was 75 to 80 percent. They had no idea. And there was a lot of misinformation out there that has now been clarified by thankfully a lot of obstetricians coming forward—hundreds of them coming forward—saying that we need to do this. The only people who are coming forward saying that this procedure is an acceptable medical procedure are those performing the procedure. No one else is. Some are saying we should allow this to continue because doctors should be able to do what they want to do; that we should not limit doctors' choices and women's choices. That is not the same as saying that this procedure is a healthy, good procedure; that they would do it, because they are not doing it and they wouldn't do it. And the Senator from New Hampshire stood up here and made the case. Unfortunately, by the skin of our teeth, we won here in U.S. Senate. I say ''unfortunately.'' We should have won by more, if people had had all of the information that they have today. We found that out over the last several months.

I am hopeful that Republicans and Democrats alike who voted against this legislation will examine the facts. I am not even going to ask you to examine your conscience or examine your morals. Make that decision outside of that, although I hope you would not.

Examine the facts as we now know them, not as given to us by the advocates of abortion, the National Abortion Federation or Planned Parenthood, but of doctors who are out there performing these procedures, of reporters, physicians, in some cases, who have done investigative reporting to find out what is going on out there—not what they tell us but what actually is going on.

Now, you cannot hide behind what people who agree with you on this issue would like to have you believe. You have to face facts that this is not a rare procedure done to protect the lives and health of women. Anyone who stands up in this Chamber and says that this is a rare procedure done to protect the lives and health of women is not stating the facts. The facts counter that, are absolutely opposite to it.

So let us have a debate about the facts. Let us not have a debate about the right to choose. This is not about the right to choose. Whether I like it or not, and, frankly, admittedly, I do not like it, late-term abortions will continue to be performed if this procedure is outlawed. And they have been described. We can enter into the RECORD all the varieties of other abortion procedures that can be done. So do not argue the right to choose. Do not argue it is a decision between the doctor and the patient, because the doctor and the patient have plenty of alternatives.

This is an issue about what 100 Senators believe is the line in this country. Where is that line? Or do we not have a line anymore? Have we gotten to the point in our culture that any drawing of lines is offensive to us, any determination of what is right and what is wrong is for every individual to make a choice, that there is no right and wrong anymore, it is just whatever you decide to do is OK, no matter who it affects and how it affects them.

I do not think that any Member of this Chamber believes there are no rights and wrongs and that there are no limits to what any individual can do to themselves or to somebody else. But you cannot hide from the fact that that is exactly what we are talking about here. We are talking about right and wrong. We are talking about how far we are going to let people go to infringe on the rights of others even if those others are less than perfect, are fetally abnormal.

I hope we would stand up for those children, the lesser as some would suggest, lesser children. I would suggest—and the women more importantly, the women whose letters I read earlier would suggest—that they are not lesser, not by any stretch of the imagination are they lesser. They are important members of the human family and they make a significant contribution. I bet you could ask some of those mothers and they would tell you that the child who lived 2 months made more contributions to them and to their community than people who lived there for 30 years.

I remember we in my generation always like to say when it comes to our children it is not the quantity of time, it is the quality of time you spend with your kids. How many times do you hear that? I wish that were true, but it is both. But certainly quality of time is important. Are we going to say that because their quantity of time is not going to be such for our standards, that their quality of life is not normal by our standards, that they are expendable by the most brutal procedure I think any of us have ever heard?

Oh, I have faith in the Senate. I have faith that, as I look at these empty chairs—and most of them are empty, all but the Senator from Iowa—I look at those chairs, and I can see in those chairs every Senator sitting there as they will be tomorrow, or standing down in the well, and they will have to be making a decision that they have to come to terms with what is right and wrong, about what comes up to the line and what crosses the line. I believe that enough Senators will look inside and see that this calls for a moment to look at what the best of our humanity is about, not the worst, and they will do the right thing. I will pray for that tonight. I hope you will, too.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I compliment the Senator from Pennsylvania for all the time he has devoted to this issue and how he causes everyone in this body and throughout America to think of the importance of this issue. I also compliment the Presiding Officer, the Senator from New Hampshire, for his leadership and his work as well.

I agree with everything the Senator from Pennsylvania has said. I am going to speak tomorrow on this issue during final debate.

CHILD PORNOGRAPHY PREVENTION ACT

Mr. GRASSLEY. Mr. President, I rise today in strong support of S. 1237, the Child Pornography Prevention Act, introduced by Senator HATCH. I am proud to be an original cosponsor of this very important piece of legislation, which would close loopholes in the current child pornography statutes created by computer technology. Now, due to the marvels of modern technology, child pornographers can use computers to create synthetic child pornography which is so realistic and life-like that no expert can distinguish it from traditional kiddie porn. S. 1237 would close that gap.

But the bill has not come up for a vote yet, even though the bill was put on the calendar over a month ago. Why is that? Why has not the Senate moved to pass this legislation quickly and send it to the House as the 104th Congress comes to an end?

The reason, Mr. President, is that some Senators from the other side of the aisle will not let the bill come up for a vote because they oppose stiff new mandatory penalties for child pornographers.

In the Judiciary Committee, I offered an amendment which would create a three-strikes-and-you're-out penalty structure for the production of child pornography. First time offenders will receive a 10-year minimum sentence. For a second offense, there would be a 15-year minimum sentence, and for a third offense, there would be a minimum sentence of 30 years to life. My amendment passed the committee after much debate.

But now, some Senators from the other side of the aisle are using senatorial privilege in order to have my amendment stripped out of the bill without ever having a vote on the matter. These Senators are literally holding the Senate hostage. In contrast,

Senators on my side of the aisle have informally offered to have another vote on this issue. But to no avail.

Mr. President, this is outrageous. I believe that the American people want tougher penalties for child molesters and child pornographers. And I am proud to have taken a leadership role on the issue. To the Democrat Senators who oppose minimum sentences for child pornographers, I say let's have a vote. Secret tricks like holds should not be used to drop the bottom out of the penalties for child pornographers.

I think that this is shameful, Mr. President. And I believe that the American people have a right to know why the Child Pornography Prevention Act is bottled up on the Senate floor. The roadblock to passage of this vitally important bill with tougher child pornography penalties is not the Republican caucus. It is not my side of the aisle which is blocking this bill trying to lower the penalties for child pornographers.

If the bill does not pass this year, the fault will rest squarely on the shoulders of the other side of the aisle.

I remain ready to vote on this matter. I encourage my friends on the other side of the aisle to come out and debate minimum sentences for child pornographers.

THE NATIONAL DEFENSE AUTHORIZATION ACT

Mr. GRASSLEY. Mr. President, I think the leadership of the Armed Services Committee deserves a lot of credit for wrapping up the conference on the fiscal year 1997 Defense authorization bill in record time.

This measure was ready before the August recess. We just could not get to it because of other pending business.

The chairman of the committee, Senator THURMOND, and the ranking Democrat, Senator NUNN, have done an outstanding job.

They resolved a number of very complicated and difficult issues, and they did it in a very timely and businesslike way.

I would also like to thank the committee for protecting my amendments:

Section 217 that establishes a 1991 baseline for the independent cost estimate for the F–22 fighter; and

Section 809 that places a $250,000 per year cap on executive compensation.

However, I am very unhappy with one part of the final bill—section 405.

I am very disappointed to see this provision in the final bill.

Section 405 authorizes an increase in the number of general officers on active duty in the Marine Corps.

It raises the current ceiling from 68 to 80 generals.

That is an increase of 12 generals.

I attempted to block this measure but failed. My amendment was defeated by a vote of 79 to 21.

The House had rejected it earlier but could not prevail in conference.

So we lost the fight.

The Marine Commandant, General Krulak, visited me in late July and helped to soften some of my objections.

For example, he assured me that the 12 new generals will be assigned to warfighting billets. That is good.

He promised me that the new generals will not fill mushrooming headquarters billets.

Those are the billets that Marine General Sheehan is so worried about.

But General Krulak's guarantees do not overcome my basic objection to the idea of adding brass at the top when the military is downsizing.

From that standpoint, section 405 of the bill defies understanding.

With 80 generals on board, the Marine Corps will have more generals than it had at the height of World War II when the Marine Corps was three times as big as it is today.

The Marine Corps is critically short of platoon sergeants. That is where we should add money—not for generals.

The Marine Corps is already topheavy with brass.

That came through loud and clear during Operation Restore Hope in Somalia, according to Col. David Hackworth.

Colonel Hackworth's thoughts are presented in his new book entitled:

Hazardous Duty: America's Most Decorated Living Soldier Reports From the Front and Tells It the Way It Is.''

Marine Lt. Gen. Robert Johnson was in charge of Operation Restore Hope in late 1992.

He had 12 rifle companies under his command or about 1,200 fighters.

But as Colonel Hackworth points out, General Johnson's headquarters strength was 1,141.

So General Johnson's headquarters staff almost outnumbered the fighters.

In all, he said, there were 12 American generals in Somalia, one for every rifle company.

A rifle company is commanded by a captain, and a captain does not need a bunch of generals giving him orders.

All he needs is one good colonel.

Colonel Hackworth concludes with this thought: ''Never had so few been commanded by quite so many.''

So why does a shirinking Marine Corps need more generals? The Marine Corps already has too many generals commanding troops in the field. Somalia proved that point. They aren't needed for combat. They are needed for bureaucratic infighting in the Pentagon budget wars.

The Committee makes that point crystal clear in its report. I quote: ''The increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of the Navy-Secretariat staff and in the joint arena.''

The Marines think more generals at the table will mean a bigger slice of the pie or a better piece of the action somewhere down the road.

That's what this is all about: capturing important bureaucratic real estate.

Mr. President, in my mind, this is bad public policy. It's going to backfire—big time. Giving in to the Marine Corps's request will not lay this issue to rest. This is not the end of it. It's just the beginning.

It is an ominous sign of interservice rivaalry that could ignite a war over who can get the most stars.

The Army, Navy, and Air Force are now going to complain: The Marines got theirs. Now we want ours.

The floodgates are about to open.

The Army, Navy, and Air Force are already lining up with their requests for more generals.

The Navy went on record in March, saying it has ''331 valid flag officer requirements.''

The Navy is authorized to have 220 today. Does this mean the Navy needs another 111 admirals?

The Navy is already topheavy with brass, having just about one admiral per ship.

The Army and the Air Force are even more topheavy—fatter with brass.

Yet both the Army and the Air Force are lobbying Secretary Perry to get their requests for more generals approved.

Now, while Mr. Perry is doing this, he is also telling the military to continue downsizing.

Does this make sense, Mr. President? Does it make sense to topsize when you're downsizing?

Former Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, shed some light on this issue back in 1990 when post-cold-war downsizing began in earnest.

General Powell's thinking on this issue was outlined in an article that appeared in the August 1 issue of the Washington Post.

The article was written by Mr. Walter Pincus.

I ask unanimous consent to have this report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 1, 1996]

MARINES LAND GENERALS DESPITE SOME OPPOSITION

(By Walter Pincus)

The Marines have landed their 12 more generals and despite some opposition appear to have the situation well in hand.

House conferees yesterday reached an agreement on the fiscal 1997 defense authorization bill that will allow the Corps to appoint a dozen more generals, enlarging its top tier so that the Marines will have a fair share of representatives in joint commands and be able to fill vacant positions.

If the conference report passes both houses and is signed by President Clinton, the Marines will be entitled to raise the number of active duty generals from 68 to 80. That would give the 174,000-member Corps, one more general than it had in June 1945 when the force was 475,000 strong, according to Rep. G.V. ''Sonny'' Montgomery (D-Miss.), who opposed the increase.

Sen. Charles E. Grassley (R-Iowa), who led the opposition in the Senate, said yesterday he was ''very disappointed and frustrated'' by the House conferees' action. He said he had hoped the increase could have been held off pending a study ''based on recent downsizing in the rank and file.''

But the Marines have insisted that the increase is warranted. ''We don't ask for something unless it is truly needed,'' Marine Commandant Gen. Charles C. Krulak said in a letter to Grassley.

The Iowa Republican warned that other services will now be encouraged to request more admirals and generals, despite the military drawdown. ''This is just a small snowball rolling down a hill that is going to expand very rapidly the number of brass in all services,'' he said.

Last March, Adm. Frank L. Bowman, chief of naval personnel, told the Senate Armed Services Committee, ''I am convinced the Navy needs 25 to 30 more flag officers in order to have a manageable number of people to assign without having to rely on gapped billets or filling flag officer billets with senior captains.''

Yesterday, Capt. Jim Kudla, spokesman for Bowman, said the Navy proposal ''is not yet out of the hopper,'' but added that a number is under study in the office of Navy Secretary John H. Dalton.

The Navy, which this year has 428,000 officers and enlisted personnel, currently is authorized to have 216 flag officers plus four more allowed by the Joint Chiefs of Staff. That is down from a total force of 535,000 in 1990 when it had 256 admirals.

Under current plans, Navy personnel will go down to 395,000 by late 1998 and level off there. Nonetheless, according to Bowman, the Navy's increase in admirals is justified because ''I believe we went too far in flag officer reductions in the Navy. We are feeling the pinch.''

In 1990, then-Defense Secretary Richard B. Cheney and his chairman of the Joint Chiefs of Staff, Gen. Colin L. Powell, agreed that as they reduced overall service levels, they would as a ''matter of good faith'' look at cutting generals and flag officers ''proportional to the reductions in base forces,'' a former senior Powell aide said yesterday.

Since the main forces were being reduced by 25 percent, Cheney and Powell looked at cutting the number of generals and admirals by at least 20 percent. Powell argued that the military services were like a pyramid. ''You can't just cut at the bottom,'' the former aide said in describing Powell's position. ''You have to take some off at every level so it still had the proper shape to it.''

Powell regularly met with other members of the Joint Chiefs to have them ''pledge their commitment'' to the cuts which, the former aide said, ''were painful.'' Those chiefs have now retired and the services, starting with the Marines, have begun to relieve the pain, the aide added.

The issue has led to some tough back-room politicking while House and Senate conferees worked out their differences.

Recently, House and Senate aides said they had been told by Pentagon sources that Arnold L. Punaro, minority staff director of the Armed Services panel, aide to Sen. Sam Nunn (D-Ga.) for 23 years and a Marine Corps Reserve brigadier general, had masterminded the move. The sources, from other services, alleged that Punaro was preparing a billet for himself for next year after Nunn retires from the Senate.

Punaro, who had heard the rumor, reacted sharply to it.

''The new active-duty Marine Corps general officer positions have nothing whatsoever to do with my future,'' he said. ''I will remain a civilian when I leave my current position with the Senate Armed Services Committee.''

Committee sources said Punaro stayed out of the issue other than to sit in on briefings by Krulak in Nunn's office.

Mr. GRASSLEY. I will quote from the article:

As a matter of good faith, General Powell reportedly said, ''you have to look at cutting generals and flag officers proportional to the reductions in base forces.''

General Powell said the military services were organized like a pyramid. He said, ''you can't just cut at the bottom. You have to take some off at every level so it still has the proper shape to it.''

Mr. President, that is Colin Powell talking, and he should know something about how the military is supposed to be organized. Colin Powell says we should reduce the number of generals when the force structure is shrinking.

So why are we adding brass at the top when the force is getting smaller? Someone needs to provide an honest answer to that question. I have not heard one yet.

If we keep adding at the top and cutting at the bottom, pretty soon the military pyramid will lose its shape. We will have an upside-down pyramid.

Congress must not allow its decisions to be driven by interservice rivalry. There has to be a better way to determine the right number of generals.

On July 19, I wrote to the President, asking him to intervene in this matter. He is our Commander in Chief and needs to take charge and show some leadership.

I asked him to delay this decision until an independent review is conducted to determine how many general officer positions are needed, based on real military requirements. I have never received a response.

I am afraid he's been steamrollered by the generals, just like the Congress.

ILLEGAL DRUG TRADE

Mr. GRASSLEY. Mr. President, a few steps from this Capitol Building is a combat zone. In just a few blocks from here lies the killing ground that is one of the consequences of the illegal drug trade in this country. On average, over 400 people in Washington are murdered every year. That is roughly 60 lives lost per 100,000 population. The national average is 6 per 100,000. That makes Washington the Nation's murder capital. Those casualties, the lives lost and maimed, occur in just a few neighborhoods. They are not spread out over the whole city. Much of this carnage is directly the result of drugs and the harm that they cause, a harm that falls disproportionately on a few neighborhoods.

Now, virtually every ounce of illegal drug you can buy within a stone's throw of here—and that is just about any drug you could want in any quantity you care to buy—is produced overseas. It is imported into this country. Washington is not on the border with Mexico. We don't grow poppies in ward 6 or coca in Anacostia. These drugs find their way here in commercial cargo, in motor homes, in peoples' stomachs. They fly, walk, drive, and float into this country every day in a thousand ways. That availability is killing us. But the story does not stop here.

The criminal thugs that bring drugs into this country are not philanthropists. They are in the business to make money. And lots of it. That's why they come to the world's largest emporium. And they do well. But that leaves them with the problem of what to do with all the loot: how to turn all that dirty money into nice, clean cash. To do this, they exploit our banks and business. They smuggle cash out in bulk. They use our electronic highways.

As the Center for Technology Assessment noted last year, our ''Financial institutions and their wire transfer systems provide the battleground to control money laundering.'' Criminal gangs employ a thousand techniques that fertile imaginations—the best that money can buy—can devise. They do all of this in defiance of our laws, in vicious contempt for common decency. And when these sorry riches find their way into secure havens, they are then used to corrupt and intimidate individuals, institutions, and whole governments. The vicious cycle is complete and begins again.

These criminal gangs, to push their drugs and launder their millions, make use of the very same systems that are the sources of our prosperity. They smuggle drugs in and they sneak the cash out. They exploit our financial processes and our commercial mechanisms to do this. We must not permit this to happen. There in lies our dilemma.

On the one hand, we must decide on those policies and practices that will most effectively facilitate our trade and finance. We must do this in order to sustain our continued prosperity and competitiveness. On the other hand, we must decide how best to discourage the criminal exploitation of our financial systems and our commercial arrangements. This clash of interests is no easy problem to deal with, but deal with it we must.

Unfortunately, this country has a major drug problem. As it is in virtually every other area of economic activity, the United States is the world's largest market for illegal drugs. Americans have more money and more time than do many other people. This means that every entrepreneur in the world is out to make it big in the U.S. market. Some of the most skilled, intelligent, and ruthless of these entrepreneurs are drug traffickers.

We are not dealing here with mom-and-pop operations. We are dealing with well-financed, international business enterprises with a global reach. They are sophisticated and dangerous. Let there be no mistake, the criminal organizations that traffic in drugs or other illegal goods are among the most significant threats to our well-being that we currently face.

The major international criminal organizations—based in Asia, Europe, Africa, and Latin America—now dispose

of economic resources that enable them to defy local and international law. They are richer than many countries. They are ruthless, and they are remorseless. Either through a process of threat and intimidation or by bribery and financial manipulation, they are able to challenge the authority of governments. They are able to undermine the integrity of public and private institutions. Where they cannot suborn they subvert. Where they cannot corrupt they kill.

The rollcall of countries currently facing direct and serious challenges from these groups is disturbing. Today criminal gangs in Russia, China, Italy, Nigeria, Mexico, and Colombia openly operate or have been able to penetrate into the depths of the political, social, and economic systems in those countries. Many smaller countries, without the range of resources available elsewhere, are simply overmatched and outmaneuvered in trying to enforce their own sovereignty. In some cases, criminal penetration has become so serious that it raises questions about the future stability of the country in question. There is growing concern about the ability of many governments, often deeply penetrated by criminal corruption, to respond meaningfully—if at all—to these criminal gangs.

In addition, banks and businesses pay out billions of dollars every year, directly or indirectly, to these same criminal gangs. Whether in protection money or in losses suffered from sophisticated scams. Whether in extortion or swindles, individual businesses and national economies are routinely ripped off, to the tune of billions of dollars annually, by ruthless criminal thugs.

The cost of their activities are not paid out just in the crimes that they commit. They also exact a cost in terms of trust. They undermine good faith. When left unchecked, they pervert the very ideas of a free market. The bleed public establishments of public support. They threaten democratic institutions and the social, political, and economic circumstances that must sustain those institutions. We can see that process at work in Colombia, and Russia, and next door in Mexico. But the problem does not stop here.

In this country, these criminal gangs daily kill and maim more Americans than have suffered at the hands of terrorist bombs. They have done more damage to our social fabric and well-being than has any rogue political leader in Libya or Iran. They have caused more real harm in a day than all the illegal videotapes produced in China. Through the drugs that these scoundrels make and sell, they sow havoc in our homes and neighborhoods, on our streets, and in our clinics.

We must take the steps necessary to ensure that our citizens are secure from harm and that the very processes of our well-being are protected from abuse. We must ensure that the free-trade highway does not become an expressway for drug smuggling. We have to ensure that banking without borders does not become an opportunity for banking without conscience. But how to do that without smothering legitimate activity? We must devise the means to disrupt criminal enterprise without destroying free markets. We must ensure effective international cooperation and yet work with countries often incapable of taking effective action. We must lead, but we cannot succeed without cooperation.

That is what this hearing is about. We must look at what we are doing and what we can do better. We need to consider what works and what does not. We need to cast a critical eye on our actions and those of our allies and friends to determine what more we can do. I am concerned that our policies are not up to the task. I am concerned that we have put our priorities in the wrong places. Frankly, we have a long way to go and a lot of work ahead of us. More kids are starting to use drugs. We are seeing more calls for legalization. We have dropped the ball on fighting back.

In the meantime, the criminals are getting richer and more sophisticated. As we face 21st century thugs, we need 21st century G-men. We need to be smarter and faster. We need to be focused and consistent. As one Treasury official put it, money laundering is a ''crime hidden in the details of legitimate commerce.'' The same is true for smuggling. The devil is in the details. It is the details that we want to get at. It is how to respond effectively to the details of these criminal activities that we must address in our policies.

THE NET EFFECT

Mr. GRASSLEY. Mr. President, the Congress is now engaged in the business of passing a budget to fund this Government for another year. This process is one of the most important pieces of business that this body engages in. In discussing where and how and for what we spend the public's money on public business in the public interest is one of the most compelling stories of government. I wish that more of our fellow citizens watched the debates on this floor as we argue among ourselves on their behalf how best to spend their hard earned dollars. It is an important lesson in civics. It is a course in practical politics, on how real differences on important matters of substance are resolved. It is sometimes not an elegant process but it is one of the critical features of democratic government.

One of the most inelegant parts of the process, is the fact that legislating budgets is not coherent in the sum of its parts. We divide our budget consideration into many pieces. It's the only practical way to deal with the problem of how to spend money. This means, however, that money and the politics that it is spent on is similarly considered in its many parts, not as a whole.

Rarely, legislatively, does a program receive strategic or comprehensive consideration that combines all the elements. Doing that is typically one of the responsibilities of the executive branch. We look to the administration to present the comprehensive plan, to integrate all the pieces into meaningful policy. It is Congress' role to ensure that the net results are what is intended. That the money is buying what it is meant for.

We may not always agree with how things are put together, but a dialog on our disagreements is how a democracy makes up its mind. This process, however, does not lend itself to central direction. Congress may, through the oversight process, seek to encourage cohesiveness. It may, through legislation, require strategic thinking. But, while you can lead an administration to water, you cannot necessarily make it take the plunge. You cannot give it coherence. You cannot supply a vision that is wanting, a conviction that is simply not there. You cannot enforce wisdom. When these are lacking, Congress is not always the best body to provide uniform direction. It is, however, bound to try.

That is the situation we face now is so many areas of our international policy. Things are drifting. There is no coherence, no vision. And, sometimes, I wonder about the wisdom behind what passes for policy. This is painfully clear in looking at our drug policy.

I have spoken a number of times about the incoherence in our present efforts. I have documented, recently, the consequences of these failed policies for drug use in this country. Unless we simply do not expect our policies to make any difference. Unless we are committed to the idea that we spend the public's money for the heck of it. Unless we believe that words are meant to substitute for results. Then, we cannot look at our current efforts and the trend in youthful drug use and conclude that what we are doing is working.

Simply put, the present strategy from this administration on drugs is a failure. It has been a failure from the beginning. The most recent effort at a written strategy, while an admirable attempt by the new drug czar, is thin. It lacks substance. It has no measurable standards of performance. It contains little new. It has few measures of success. Even more disappointing, the administration has been noticeably invisible on the Hill in defending its own programs. This, also, is not new. Even in the Democratic-controlled Congress, the administration largely left the drug program to fend for itself.

This under-supported policy was also the program that the administration took to the public. Its most remembered hallmarks are ''I didn't inhale'', and the Surgeon General's call for serious consideration of legalization. Hardly substitutes for ''Just Say No.'' The consequences were vanishing interest

in serious counter-drug efforts and renewed calls for legalization—given encouragement by this administration's Surgeon General. The results of that indifference and incoherence are clear for anyone who wants to take a look at the recent reporting on youthful drug use in this country over the past 3½ years. The picture is sobering. The results are dramatic increases of drug use among kids. All the recent surveys confirm this. In addition, the forthcoming annual PRIDE survey will add further weight to the body of evidence.

In response to this fact, the congressional leadership, led by Bob Dole, commissioned a joint House-Senate task force last year to do what the administration has not done: develop a coherent view of what needs to be done. The task force report, which came out earlier this year, provides us with guidance on where we need to be going with our drug policy. In particular, as Congress now considers the international drug budget in its many parts, the report indicates the direction that we need to be taking to give us more coherence and sense of purpose in our efforts.

In the absence of meaningful policies from the administration, we have a responsibility to the public to make up for the deficit. As we construct our separate drug budgets, we must take this need into our deliberations.

In essence, our overall drug programs are an effort to build a fisherman's net—a web of programs, efforts, and policies that will catch and hold the school of drug problems. We must construct a balanced weave. One without gaping holes. One that is suited to the circumstances of our needs and our capabilities. The budget process is our net. It is here that we must ensure that we bring more consistency to our deliberations over the various parts of our drug budget to ensure that the result is more than the sum of its parts.

We need to ensure, as we balance the many conflicting needs represented in our budgets, that our drug program is adequately funded in its constituent elements. We must ensure that DOD bears responsibility for doing something more than it has recently in supporting drug operations. We must see that Customs programs along the Southwest border, in Puerto Rico, and in support of interdiction operations are adequately supported, after years of neglect. We need to refurbish DEA's international effort. We need to support Coast Guard's drug enforcement mission. We need to provide support to the efforts to develop a Midwest high intensity drug trafficking area to stem the flow of methamphetamine.

These things we can do more immediately. In the longer term, we in Congress need to exercise more vigorous oversight over present programs to ensure that the public is getting a proper return on its investment. We need more accountability. In the next days and weeks, as we work to do the people's business, we must keep in mind our responsibility to provide adequate, consistent support to drug programs. In doing so, we help to put our drug policy back on track. We engaged a problem that we cannot afford to ignore or wish away. In responding, we must consider the net effect. I urge my colleagues to support funding for the programs I have mentioned above as we work on the appropriations bills before us.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LORET RUPPE

Mr. COVERDELL. Mr. President, today the Senate Foreign Relations Committee reported House Joint Resolution 158, a joint resolution commending the Peace Corps and its volunteers for their 35 years of service to America and the world. I was especially pleased that my colleagues on the committee agreed to an amendment to this resolution offered by Senator DODD and myself which honors the memory of Loret Ruppe, the longest serving director of the Peace Corps. When I became director of the Peace Corps in 1989, I had the privilege of inheriting a corps that had been revitalized by Loret Ruppe's great leadership, vision, and dedication. Under her direction the Peace Corps began or revived programs in Sri Lanka, Haiti, Burundi, Guinea-Bissau, Chad, Equatorial Guinea, and the Cape Verde Islands and she energized a new generation to take up the challenge of serving in the corps. Her great accomplishments and belief in the Peace Corps won the respect of volunteers and built bipartisan support for the Peace Corps' mission of peace through development. I feel that it is especially appropriate that the Members of this great legislative body, so many of whom on both sides of the aisle count themselves as admirers of this great woman, pass this resolution to stand as a testament to her great service to America and to the millions of the world's citizens touched by her efforts.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Rules and Administration.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1791. An act to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

H.R. 3217. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 132. Concurrent resolution relating to the trial of Martin Pang for arson and felony murder.

H. Con. Res. 200. Concurrent resolution honoring the victims of the June 25, 1996, terrorist bombing in Dhahran, Saudi Arabia.

H. Con. Res. 212. Concurrent resolution endorsing the adoption by the European Parliament of a resolution supporting the Republic of China on Taiwan's efforts at joining the community of nations.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 501) and the Senate amendment (except

section 1001), and modifications committed to conference: Mr. SHUSTER, Mr. CLINGER, Mr. DUNCAN, Mr. OBERSTAR, and Mr. LIPINSKI;

From the Committee on Transportation and Infrastructure, for consideration of section 501 of the House bill and section 1001 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. CLINGER, and Mr. OBERSTAR;

As additional conferees from the Committee on Rules, for consideration of section 675 of the Senate bill, and modifications committed to conference: Mr. DREIER, Mr. LINDER, and Mr. BEILENSON;

As additional conferees from the Committee on Science, for consideration of sections 601–605 of the House bill, and section 103 of the Senate amendment, and modifications committed to conference: Mr. WALKER, Mrs. MORELLA, and Mr. BROWN of California;

As additional conferees from the Committee on Science, for consideration of section 501 of the Senate amendment and modifications committed to conference: Mr. WALKER, Mr. SENSENBRENER, and Mr. BROWN of California;

As additional conferees from the Committee on Ways and Means, for the consideration of section 501 of the bill H.R. 3539, and sections 417, 906, and 1001 of the Senate amendment and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. GIBBONS.

ENROLLED BILLS SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks announced that the Speaker has signed the following enrolled bills:

H.R. 3666. An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

At 12:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the Committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

At 4:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing penalties for alien smuggling and for document fraud, and be reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3217. An act to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

MEASURE READ THE FIRST TIME

The following measure was read the first time:

H.R. 4134. An act to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 25, 1996, he had presented to the President of the United States, the following enrolled bill:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4161. A communication from the Acting Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–4162. A communication from the Acting Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–4163. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation concerning the sale of excess federal aircraft to facilitate the suppression of wildfire; to the Committee on Armed Services.

EC–4164. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule concering migritory bird hunting (RIN 1018–AD69) received on September 24, 1996; to the Select Committee on Indian Affairs.

EC–4165. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report for fiscal year 1995 with respect to outer continental shelf lease sales; to the Committee on Energy and Natural Resources.

EC–4166. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule regarding migratory bird hunting (RIN 1018–AD69) received on September 24, 1996; to the Committee on Environment and Public Works.

EC–4167. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule regarding migratory bird hunting (RIN 1018–AD69) received on September 23, 1996; to the Committee on Environment and Public Works.

EC–4168. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule regarding migratory bird hunting (RIN 1018–AD69) received on September 19, 1996; to the Committee on Environment and Public Works.

EC–4169. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation entitled ''The Environmental Crimes and Enforcement Act of 1996''; to the Committee on Environment and Public Works.

EC–4170. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, three rules including one entitled ''Operating Permits Program Interim Approval Extentions'' (received on September 19, 1996); to the Committee on Environment and Public Works.

EC–4171. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, a rule regarding the Puget Sound Air Quality Ozone (received on September 19, 1996); to the Committee on Environment and Public Works.

EC–4172. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 96–49 (received on September 24, 1996); to the Committee on Finance.

EC–4173. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 96–45 (received on September 23, 1996); to the Committee on Finance.

EC–4174. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 96–49 (received on September 20, 1996); to the Committee on Finance.

EC–4175. A communication from the Chief of Staff, Office of the Commissioner of Social Security, transmitting, pursuant to law, a report with respect to a rule regarding income exclusions (RIN 0960–AE22) received on September 19, 1996; to the Committee on Finance.

EC–4176. A communication from the Chief of Staff, Office of the Commissioner of Social Security, transmitting, pursuant to law, a report with respect to a rule regarding income exclusions (RIN 0960–AE22) received on

September 19, 1996; to the Committee on Finance.

EC–4177. A communication from the Assistant Secretary of Legislative Affairs, Department of State, tramnsmitting, pursuant to law, the report of a Presidential Determination regarding Mongolia; to the Committee on Finance.

EC–4178. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 96–49 (received on September 19, 1996); to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 3815. A bill to make technical corrections and miscellaneous amendments to trade laws.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 3846. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises, and for other purposes.

H.R. 3916. A bill to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments and an amendment to the title and an amended preamble:

H.J. Res. 158. A joint resolution to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and an amended preamble:

S. Res. 285. A resolution expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking, and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2130. An original bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

The following individual for appointment as a permanent regular commissioned officer in the U.S. Coast Guard in the grade of lieutenant commander:

Laura H. Guth.

The following officers of the U.S. Coast Guard Permanent Commissioned Teaching Staff at the Coast Guard Academy for promotion to the grade indicated:

To be commander

Robert R. Albright, II
Lucretia A. Flammang

To be lieutenant commander

James R. Dire

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

Joseph F. Ahern
Jeffrey G. Lantz
Adan D. Guerrero
Walter S. Miller
Mark E. Blumfelder
Richard W. Goodchild
Jon T. Byrd
David W. Ryan
Jeffrey Florin
John C. Simpson
William C. Bennett
Joel R. Whitehead
James J. Lober, Jr.
Wayne D. Gusman
Michael J. Devine
Scott F. Kayser
James B. Crawford
William J. Hutmacher
Glenn L. Snyder
Douglas P. Rudolph
John L. Grenier
Timothy S. Sullivan
Mark G. Vanhaverbeke
James Sabo
Paul C. Ellner
Steven A. Newell
Douglas E. Martin
Richard A. Rooth
Lawrence M. Brooks

The following Reserve officer of the U.S. Coast Guard for promotion to the grade of captain:

Catherine M. Kelly

The following Regular officers of the U.S. Coast Guard for promotion to the grade of commander:

George A. Russell, Jr.
Patrick J. Cunningham, Jr.
Dane S. Egli
Jeffrey S. Gordon
Bret K. McGough
Jody B. Turner
Mark L. McEwen
Mark A. Skordinski
Donald K. Strother
Francis X. Irr, Jr.
Robert A. Farmer
Richard M. Kaser
Kurtis J. Guth
Gary E. Felicetti
Daniel A. Laliberte
Kurt W. Devoe
Robert J. Legier
Robert E. Korroch
Thomas P. Ostebo
Mark A. Prescott
Kenneth H. Sherwood
Mark S. Guillory
Preston D. Gibson
David L. Hill
Michael P. Farrell
Richard A. Stanchi
Scott S. Graham
Mark R. Devries
Kenneth R. Burgess, Jr.
Warren L. Haskovec
Jennifer L. Yount
Barry P. Smith
William D. Lee
John R. Lindley, Jr.
Robert R. O'Brien, Jr.
Scott G. Woolman
William W. Whitson, Jr.
Larry E. Smith
Mark A. Frost
Mitchell R. Forrester
Patrick J. Nemeth
Curtis A. Stock
Christopher K. Lockwood
Barry L. Dragon
Michael D. Brand
Bruce E. Grinnel
Brian K. Swanson
Robert J. Malkowski
Brian J. Goettler
Charles W. Ray
Stephen J. Minutolo
Virginia K. Holtzman-Bell
Matthew M. Blizard
Richard A. Rendon
Bryan D. Schroder
John W. Yager, Jr.
Marshall B. Lytle III
Thomas D. Criman
Stephen J. Ohnstad
Carol C. Bennett
Thomas E. Hobaica
David S. Stevenson
James T. Hubbard
George P. Vance, Jr.
Robert M. Atkin
Christine D. Balboni
Mark D. Rutherford
Patrick B. Trapp
Dennis D. Blackall
Bradley R. Mozee
Richard J. Ferraro
Richard L. Matters
Ekundayo G. Faux
David L. Lersch
Ricki G. Benson
Norman L. Custard, Jr.
Gregory B. Breithaupt
Steven E. Vanderplas
Frederick J. Kenney, Jr.
Steven J. Boyle
Thomas K. Richey
Dennis A. Hoffman
David M. Gundersen
Jeffrey N. Garden
James E. Tunstall
Kevin G. Quigley
John R. Ochs
Ronald D. Hassler
Timothy J. Dellot
Kenneth D. Forslund
Tomas Zapata
Dennis M. Sens
Peter V. Neffenger
Alvin M. Coyle
Daniel R. MaCleod
Melissa A. Wall
Robert M. Wilkins
Curtis A. Springer
Timothy G. Jobe
Christian Broxterman
Rickey W. George
Elmo L. Alexander II

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. PRESSLER. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS on July 29, and September 3, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of July 29, and September 3, 1996, at the end of the Senate proceedings.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104–15 Income Tax Convention with Kazakstan (Exec. Rept. 104–34)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with the Protocol, signed at Almaty on October 24, 1993, and Two Related Exchanges of Notes, dated August 1 and September 7, 1994, and dated August 15 and September 7, 1994 (Treaty Doc. 103–33); an Exchange of Notes dated at Washington July 10, 1995, Relating to the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with a Related Protocol, signed at Almaty on October 24, 1993 (Treaty Doc. 104–15); and in Exchange of Notes, dated June 16 and 23, 1995 (EC–1431). The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

''The United States shall not exchange the instruments of ratification with the Government of the Republic of Kazakstan until such time as the Government of the Republic of Kazakstan has notified the Government of the United States that its laws no longer permit anonymous bank accounts to be established.''

Treaty Doc. 104–23 Protocol Amending Article VIII of the 1948 Tax Convention with Respect to the Netherlands Antilles (Exec. Rept. 104–35)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Kingdom of the Netherlands in Respect of the Netherlands Antilles Amending Article VIII of the 1948 Convention with Respect to Taxes on Income and Certain Other Taxes as Applicable to the Netherlands Antilles, signed at Washington on October 10, 1995 (Treaty Doc. 104–23).

Treaty Doc. 104–32 Taxation Protocol Amending Convention with Indonesia (Exec. Rept. 104–36)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise

and consent to the ratification of the Protocol, signed at Jakarta on July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes signed at Jakarta on July 11, 1988 (Treaty Doc. 104–32).

By Mr. HELMS, from the Committee on Foreign Relations:

Arma Jane Karaer, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Arma Jane Karaer.

Post: Port Moresby, Papua New Guinea.

Contributions, amount, date, and donee:

1. Self: Arma Jane Karaer, none.

2. Spouse: Yasar Karaer, none.

3. Children and spouses: Alexandra Karaer and Ceren Karaer, none. (Both children are unmarried)

4. Parents: Alexander Szczepanski, father, (deceased), Ida Szczepanski (mother), none.

5. Grandparents: Bronislaw Szczepanski (deceased), Caroline Szczepanski (deceased), Irving E. Anderson, Sr. (deceased), and Hedwig L. Anderson (deceased).

6. Brothers and spouses: Bruce Szczepanski, none, Edith Szczepanski, none. David J. Szczepanski, $50.00, 3/20/95, Republican Party; $100.00 8/23/95, Dennis Newinski. Currently a member of the Dennis Newinski finance committee. Joan Szczepanski (deceased). Michael Szczepanski, none; Nancy Szczepanski, none; Steven Szczepanski (unmarried), none; Thomas Szczepanski, none; Cynthia Szczepanski, none.

Sisters and spouses: I have no sisters.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Anne W. Patterson.

Post: El Salvador.

Contributions, amount, date, and donee:

1. Self: Anne W. Patterson, none.

2. Spouse: David R. Patterson none.

3. Children and Spouses Names: Edward C. Patterson (age 14), Andrew Patterson (age 8), none.

4. Parents Names: John and Carol Woods, none.

5. Grandparents Names: Sarah Ackley, none.

6. Brothers and Spouses Names: John Davis Woods, Jr., none; Jean Byers Woods, none.

7. Sisters and Spouses Names: none.

John Francis Maisto, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John E. Maisto.

Post: U.S. Ambassador to Venezuela.

Contributions, amount, date, and donee:

1. Self: John F. Maisto, none.

2. Spouse: Maria Consuelo G. Maisto, none.

3. Children and Spouses Names: John Joseph Maisto/Karen Nelson, none.

4. Parents Names: John Maisto (deceased), Mary P. Maisto, none.

5. Grandparents Names: Elpedio Maisto (deceased), Luisa Maisto (deceased).

6. Brothers and Spouses Names: Albert L. Maisto, none; Mary Jean Mills Maisto, none.

7. Sisters and Spouses Names: none.

Dennis K. Hays, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Dennis K. Hays

Post: Suriname

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses Names: none.

4. Parents: Ronald and Jane Hays; $50.00 per year Richard Matsuura (D-Hawaii); $25.00 per year Gene Ward (R-Hawaii); $25.00 per year Tom Okamura (D-Hawaii); $1,000.00 1995 Orson Swindle (R-Hawaii); $100.00 per year Republican National Committee.

5. Grandparents Names: none.

6. Brothers and Spouses Names: none.

7. Sisters and Spouses Names: none.

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, as Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Nominee: Genta Hawkins Holmes

Post: Australia

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: none.

3. Children and Spouses Names: none

4. Parents Names: deceased.

5. Grandparents Names: deceased.

6. Brothers and Spouses Names: Ronald H. Hawkins, none; Lynn A. Hawkins none.

7. Sisters and Spouses Names: none.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

Madeleine Korbel Albright, of the District of Columbia, to be Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Edward William Gnehm, Jr., of Georgia, to be Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Karl Frederick Inderfurth, of North Carolina, to be Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Victor Marrero, of New York, to be Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Richard W. Bogosian, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Rwanda/Burundi.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of June 26, September 9, and September 19, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 26, September 9 and 19, 1996, at the end of the Senate proceedings.)

The following-named Career Member of the Senior Foreign Service of the U.S. Information Agency for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Marilyn McAfee, of Florida

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Paul Albert Bisek, of Virginia

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Susumo Ken Yamashita, of Maryland

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Susan Kucinski Brems, of the District of Columbia

Christine M. Byrne, of Virginia

James Eric Schaeffer, of Florida

DEPARTMENT OF COMMERCE

Karla B. King, of Florida

Terry J. Sorgi, of Wisconsin

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

U.S. INFORMATION AGENCY

Tania Bohachevsky Chomiak, of Florida
Linda Joy Hartley, of California
Sharon Hudson-Dean, of Pennsylvania
Constance Colding Jones, of Indiana
Steven Louis Pike, of New York
David Michael Reinert, of New Mexico

DEPARTMENT OF STATE

Sarah J. Metzger, of Virginia

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretary in the Diplomatic Service of the United States of America effective June 28, 1996:

DEPARTMENT OF STATE

Marc C. Johnson, of the District of Columbia

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Robert L. Adams, of Virginia
Veomayoury Baccam, of Iowa
Douglass R. Benning, of the District of Columbia
Steven A. Bowers, of Virginia
Michael A. Brennan, of Connecticut
Kerry L. Brougham, of California
Andrea Brouillette-Rodriguez, of Minnesota
Paal Cammermeyer, of Maryland
Priscilla Carroll Caskey, of Maryland
Julianne Marie Chesky, of Virginia
Carmela A. Conroy, of Washington
julie Chung, of California
Edward R. Degges, Jr., of Virginia
Thomas L. Elmore, of Florida
Wayne J. Fahnestock, of Maryland
Denis Barrett Finotti, of Maryland
Kenneth Fraser, of Maryland
Gary R. Guiffrida, of Maryland
Patricia M. Gonzalez, of Texas
David J. Greene, of New York
Raymond Franklin Greene III, of Maryland
Ronald Allen Gregory, of Tennessee
Deborah Guido-O'Grady, of Virginia
Audrey Louise Hagedorm, of Virginia
Patti Hagopian, of California
Charles P. Harrington, of Virginia
Ronald S. Hiett, of Virginia
Ruth-Ercile Hodges, of New York
Kristina M. Hotchkiss, of Virginia
Andreas O. Jaworski, of Virginia
Ralph M. Jonassen, of New York
Marni Kalapa, of Texas
Jane J. Kang, of California
Sarah E. Kemp, of New York
Frederick J. Kowaleski, of Virginia
Steven W. Krapcho, of Virginia
Gregory R. Lattanze, of Virginia
Charles W. Levesque, of Illinois
Janice O. MacDonald, of Virginia
C. Wakefield Martin, of Texas
Brian I. McCleary, of Virginia
Alan D. Meltzer, of New York
David J. Mico, of Indiana
Christopher S. Misciagno, of Florida
Joseph P. Mullin, Jr., of Virginia
Burke O'Connor, of California
Edward J. Ortiz, of Virginia
Maria Elena Pallick, of Indiana
David D. Potter, of South Dakota
Eric N. Richardson, of Michigan
Heather C. Roach, of Iowa
Taylor Vinson Ruggles, of Virginia
Thomas L. Schmitz, of South Dakota
Jonathan L.A. Shrier, of Florida
James E. Smeltzer III, of Maryland
Christine L. Smith, of Virginia
Keenan Jabbar Smith, of Pennsylvania
Brian K. Stewart, of Virginia
Christine D. Stuebner, of New York
Stephanie Faye Syptak, of Texas
Erminido Telles, of Virginia
Mark Tesone, of Virginia
Michael Anthony Veasy, of Tennessee
Glenn Stewart Warren, of California
Mark E. Wilson, of Texas
Anthony L. Wong, of Virginia
Gregory M. Wong, of Missouri
Kim Woodward, of Virginia
Martha-Jean Hughes Wynnyczok, of Virginia
Teresa L. Young, of Virginia

Secretary in the Diplomatic Service of the United States of America:

John Weeks, of Virginia

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

John C. Kornblum, of Michigan
Edward S. Walker, Jr., of Maryland

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Marshall P. Adair, of Florida
Jeffrey A. Bader, of Florida
Lawrence Rea Baer, of California
Donald Keith Bandler, of Pennsylvania
James W. Bayuk, of Illinois
James D. Bindenagel, of California
Ralph L. Boyce, Jr., of Virginia
Prudence Bushnell, of Virginia
Wendy Jean Chamberlin, of Virginia
Lynwood M. Dent, Jr., of Virginia
C. Lawrence Greenwood, Jr., of Florida
John Randle Hamilton, of Virginia
Howard Franklin Jeter, of South Carolina
Charles Kartman, of Virginia
Kathryn Dee Robinson, of Tennessee
Peter F. Romero, of Florida
Wayne S. Rychak, of Maryland
Earl A. Wayne, of California
R. Susan Wood, of Florida

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Lawrence E. Butler, of Maine
James Philip Callahan, of Florida
James J. Carragher, of California
John R. Dinger, of Iowa
Ben Floyd Fairfax, of Virginia
Nick Hahn, of California
William Thomas Harris, Jr., of Florida
Ann Kelly Korky, of New Jersey
Richard E. Kramer, of Tennessee
Richard Burdette LeBaron, of Virginia
Antoinette S. Marwitz, of Virginia
Robert John McAnnenny, of Connecticut
Edward McKeon, of the District of Columbia
William T. Monroe, of Connecticut
Lauren Moriarty, of Hawaii
Michael C. Mozur, of Virginia
Stephen D. Mull, of Pennsylvania
Michael Eleazar Parmly, of Florida
Jo Ellen Powell, of the District of Columbia
David E. Randolph, of Arizona
Victor Manuel Rocha, of California
Anthony Francis Rock, of New Hampshire
Lawrence George Rossin, of California
John M. Salazar, of New Mexico
Sandra J. Salmon, of Florida
Janet A. Sanderson, of Arizona
Ronald Lewis Schlicher, of Tennessee
Joseph B. Schreiber, of Michigan
Richard Henry Smyth, of California
William A. Stanton, of California
Gregory Michael Suchan, of Ohio
Laurie Tracy, of Virginia
Frank Charles Urbancic, Jr., of Indiana
Harry E. Young, Jr., of Missouri

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

John R. Bainbridge, of Maryland
Bernard W. Bies, of South Dakota
Melvin L. Harrison, of Virginia
George N. Reinhardt, of Colorado
Bernardo Segura-Giron, of Virginia
Mark Stevens, of Florida
Frederick J. Summers, of California
Brooks A. Taylor, of New Hampshire
William L. Young, of Virginia
Joseph DeMaria, of New Jersey
Michael Ralph DeTar, of New York
Rodger Jan Deuerlein, of California
Stephen A. Druzak, of Washington
Mary Eileen Earl, of Virginia
Linda Laurents Eichblatt, of Texas
Jessica Ellis, of Washington
Stephanie Jane Fossan, of Virginia
Christopher Scott Hegadorn, of the District of Columbia
Harry R. Kamian, of California
Marc E. Knapper, of California
Blair L. LaBarge, of Utah
William Scott Laidlaw, of Washington
Kaye-Anne Lee, of Washington
Brian Lieke, of Texas
Bernard Edward Link, of Delaware
Lee MacTaggart, of Washington
Richard T. Reiter, of California
Kai Ryssdal, of Virginia
Norman Thatcher Scharpf, of the District of Columbia
Jennifer Leigh Schools, of Texas
Justin H. Siberell, of California
Anthony Syrett, of Washington
Herbert S. Traub III, of Florida
Arnoldo Vela, of Texas
J. Richard Walsh, of Alabama
David K. Young, of Florida
Darcy Fyock Zotter, of Vermont

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Derek A. Bower, of Virginia
Steven P. Chisholm, of Virginia
Henry J. Heim, Jr., of Virginia
Holly Ann Herman, of Virginia
E. Keith Kirkham, of Maine
Mary Pat Moynihan, of Virginia
John W. Ratkiewicz, of New Jersey

Secretary of the Diplomatic Service of the United States of America:

William B. Clatanoff, Jr., of Virginia

The following-named Career Members of the Foreign Service of the Department of State for promotion in the Senior Foreign Service to the class indicated, effective October 18, 1992:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Elizabeth B. Bollmann, of Missouri
Marsha D. von Duerckheim, of California

The following-named Career Members of the Foreign Service of the Department of State, previously promoted in the Senior Foreign Service to the class indicated on October 18, 1992, now to be effective April 7, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Larry Corbett, of Nevada

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Hans J. Amrhein, of Virginia

DEPARTMENT OF STATE

Phyllis Marie Powers, of Texas
Michael S. Tulley, of California

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Kimberly J. Delaney, of Virginia
Edith Fayssoux Jones Humphreys, of North Carolina

DEPARTMENT OF STATE

Jemile L. Bertot, of Connecticut

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alfred B. Anzaldua, of California
David A. Beam, of Pennsylvania
Donald Armin Blome, of Illinois
P.P. Declan Byrne, of Washington
Lauren W. Catipon, of New Jersey
James Patrick DeHart, of Michigan
Joan Ellen Corbett, of Virginia
Judith Rodes Johnson, of Texas
Mary Elizabeth Swope, of Virginia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted in the Senior Foreign Service to the class indicated on October 18, 1992, now to be effective October 6, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Sylvia G. Stanfield, of Texas

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on November 6, 1988, now effective October 12, 1986:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Joan Ellen Corbett, of Virginia
Judith Rodes Johnson, of Texas
Mary Elizabeth Swope, of Virginia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on November 6, 1988, now effective January 3, 1988:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Sylvia G. Stanfield, of Texas

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on April 7, 1991, now effective November 19, 1989:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Virginia Carson Young, of the District of Columbia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 6, 1991, now effective April 7, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Judith M. Heimann, of Connecticut

The following-named Career Members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 18, 1992, now effective April 7, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor

Judyt Landstein Mandel, of the District of Columbia
Mary C. Pendleton, of Virginia

The following-named Career Members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 18, 1992, now effective October 6, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Jean Anne Louis, of Virginia
Sharon K. Mercurio, of California
Ruth H. van Heuven, of Connecticut
Robin Lane White, of Massachusetts

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. INOUYE):

S. 2117. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Indian Affairs.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to allow casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 2119. A bill to establish the Commission to Study the Federal Statistical System, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN:

S. 2120. A bill to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. JEFFORDS, Mr. BAUCUS, Mr. SIMON, Mr. HOLLINGS, and Mr. WELLSTONE):

S. 2121. A bill to ensure medicare beneficiaries participating in managed care have access to emergency and urgent care; to the Committee on Finance.

By Mr. DEWINE:

S. 2122. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. COHEN, Mr. DOMENICI, Mr. PRESSLER, Mr. GRASSLEY, Mr. LEAHY, Mr. GREGG, Mrs. KASSEBAUM, Mr. AKAKA, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mr. D'AMATO, Mrs. FRAHM, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. THOMAS, Mr. DODD, Mr. DORGAN, Mr. BRADLEY, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 2123. A bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KEMPTHORNE:

S. 2124. A bill to provide for an offer to transfer to the Secretary of the Army of certain property at the Navy Annex, Arlington, Virginia; to the Committee on Armed Services.

By Mr. LOTT:

S. 2125. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2126. A bill to temporarily waive the enrollment composition rule under the medicaid program for certain health maintenance organizations; to the Committee on Finance.

By Mr. KENNEDY:

S. 2127. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 2128. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 2129. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 2130. An original bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MOYNIHAN:

S. 2131. A bill to establish a bipartisan national commission on the year 2000 computer problem; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. INOUYE):

S. 2117. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Indian Affairs.

THE HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996

Mrs. KASSEBAUM. Mr. President, I rise today to introduce the Haskell Indian Nations University Administrative Systems Act of 1996. I am pleased to have the vice-chairman of the Indian Affairs Committee, Senator INOUYE, as a cosponsor. The purpose of this bill is to give Haskell Indian Nations University the authority and flexibility it needs to make a successful transition

from a junior college to a 4-year university.

Founded in 1884 as the U.S. Indian Industrial Training School, Haskell provided agricultural education in grades one through five. Ten years later, the school had changed its name to Haskell Institute and expanded its academic training beyond the eighth grade. By 1927 the secondary curriculum had been accredited, and in 1970 the school became Haskell Indian Junior College. In October 1993, after receiving accreditation to offer a bachelor of science degree in elementary teacher education, the school changed its name to Haskell Indian Nations University.

Haskell is a Kansas treasure and an institution cherished by native Americans and Alaska Natives. At any one time, as many as 175 tribes are represented in the student body. Integrating the perspectives of various native American cultures have assured Haskell's growth and success. As the first baccalaureate class graduates in May 1997, Haskell Indian Nations University is developing 4-year programs in other fields and continues to accept the challenge of enriching the lives of young native Americans and Alaska Natives.

As the school has changed, so should the system by which it is administered. Haskell's ability to make a successful transition from a junior college to a 4-year university is being compromised by the present system under which the Bureau of Indian Affairs must approve its appointments and the Office of Personnel Management establishes rankings for its professors.

This legislation allows the school to remain within the Bureau of Indian Affairs and its employees to continue to participate in Federal retirement and health benefit programs. However, the Haskell president and Board of Regents will have authority over organizational structure, the classification of positions, recruitment, procurement, and determination of all human resource policies and procedures. This legislation will give Haskell the autonomy enjoyed by the tribally controlled community colleges and BIA elementary and secondary schools. This bill has been introduced in the House of Representatives by Representative JAN MEYERS.

Mr. President, I am aware that we are near adjournment and it is unlikely that we can get this bill passed in the time remaining. However, I wanted to introduce it now because I am convinced that such legislation is essential to the success of Haskell Indian Nations University and that it should be a priority in the next Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Haskell Indian Nations University Administrative Systems Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the provision of culturally sensitive curricula for higher education programs at Haskell Indian Nations University is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to Haskell Indian Nations University, while maintaining the university as an integral part of the Bureau of Indian Affairs, will facilitate the transition of the university to a 4-year university.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions shall apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) UNIVERSITY.—The term ''Haskell Indian Nations University'' or ''university'' means the Haskell Indian Nations University, located in Lawrence, Kansas.

SEC. 4. PERSONNEL MANAGEMENT.

(a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Chapters 51, 53, and 63 of title 5, United States Code (relating to classification, pay, and leave, respectively) and the provisions of such title relating to the appointment, performance evaluation, promotion, and removal of civil service employees shall not apply to applicants for employment with, employees of, or positions in or under the university.

(b) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—

(1) IN GENERAL.—The president of the university shall by regulation prescribe such personnel management provisions as may be necessary, in order to ensure the effective administration of the university, to replace the provisions of law that are inapplicable with respect to the university by reason of subsection (a).

(2) PROCEDURAL REQUIREMENTS.—The regulations prescribed under this subsection shall—

(A) be prescribed in consultation with the board of regents of the university and other appropriate representative bodies;

(B) be subject to the requirements of subsections (b) through (e) of section 553 of title 5, United States Code; and

(C) not take effect without the prior written approval of the Secretary.

(c) SPECIFIC SUBSTANTIVE REQUIREMENTS.—Under the regulations prescribed under this subsection—

(1) no rate of basic pay may, at any time, exceed—

(A) in the case of an employee who would otherwise be subject to the General Schedule, the maximum rate of basic pay then currently payable for grade GS–15 of the General Schedule (including any amount payable under section 5304 of title 5, United States Code, or other similar authority for the locality involved); or

(B) in the case of an employee who would otherwise be subject to subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems), the maximum rate of basic pay which (but for this section) would then otherwise be currently payable under the wage schedule covering such employee;

(2) the limitation under section 5307 of title 5, United States Code (relating to limitation on certain payments) shall apply, subject to such definitional and other modifications as may be necessary in the context of the alternative personnel management provisions established under this section;

(3) procedures shall be established for the rapid and equitable resolution of grievances;

(4) no university employee may be discharged without notice of the reasons therefor and opportunity for a hearing under procedures that comport with the requirements of due process, except that this paragraph shall not apply in the case of an employee serving a probationary or trial period under an initial appointment; and

(5) university employees serving for a period specified in or determinable under an employment agreement shall, except as otherwise provided in the agreement, be notified at least 30 days before the end of such period as to whether their employment agreement will be renewed.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the applicability of any provision of law providing for—

(A) equal employment opportunity;

(B) Indian preference; or

(C) veterans' preference; or

(2) the eligibility of any individual to participate in any retirement system, any program under which any health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees.

(e) LABOR-MANAGEMENT PROVISIONS.—

(1) COLLECTIVE-BARGAINING AGREEMENTS.—Any collective-bargaining agreement in effect on the day before the effective date specified under subsection (f)(1) shall continue to be recognized by the university until altered or amended pursuant to law.

(2) EXCLUSIVE REPRESENTATIVE.—Nothing in this Act shall affect the right of any labor organization to be accorded (or to continue to be accorded) recognition as the exclusive representative of any unit of university employees.

(3) OTHER PROVISIONS.—Matters made subject to regulation under this section shall not be subject to collective bargaining, except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave).

(f) EFFECTIVE DATE.—

(1) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—The alternative personnel management provisions under this section shall take effect on such date as may be specified in the regulations, except that such date may not be later than 1 year after the date of the enactment of this Act.

(2) PROVISIONS MADE INAPPLICABLE BY THIS SECTION.—Subsection (a) shall take effect on the date specified under paragraph (1).

(g) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the alternative personnel management provisions under this section shall apply with respect to all applicants for employment with, all employees of, and all positions in or under the university.

(2) CURRENT EMPLOYEES NOT COVERED EXCEPT PURSUANT TO A VOLUNTARY ELECTION.—

(A) IN GENERAL.—A university employee serving on the day before the effective date specified under subsection (f)(1) shall not be subject to the alternative personnel management provisions under this section (and shall instead, for all purposes, be treated in the same way as if this section had not been enacted, notwithstanding subsection (a)) unless, before the end of the 5–year period beginning on such effective date, such employee elects to be covered by such provisions.

(B) PROCEDURES.—An election under this paragraph shall be made in such form and in such manner as may be required under the regulations, and shall be irrevocable.

(3) TRANSITION PROVISIONS.—

(A) PROVISIONS RELATING TO ANNUAL AND SICK LEAVE.—Any individual who—

(i) makes an election under paragraph (2), or

(ii) on or after the effective date specified under subsection (f)(1), is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a university position from a non-university position with the Federal Government or the government of the District of Columbia,

shall be credited, for the purpose of the leave system provided under regulations prescribed under this section, with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment, as the case may be.

(B) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—

(i) ANNUAL LEAVE.—Upon termination of employment with the university, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and section 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so liquidated.

(ii) SICK LEAVE.—Upon termination of employment with the university, any sick leave remaining to the credit of an individual within the purview of this section shall be creditable for civil service retirement purposes in accordance with section 8339(m) of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so creditable.

(C) TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any university employee who is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a position in the Federal Government (or the government of the District of Columbia) under a different leave system, any remaining leave to the credit of that individual earned or credited under the regulations prescribed under this section shall be transferred to such individual's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

(4) WORK-STUDY.—Nothing in this section shall be considered to apply with respect to a work-study student, as defined by the president of the university in writing.

SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate to the president of the university procurement and contracting authority with respect to the conduct of the administrative functions of the university.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997, and for each fiscal year thereafter—

(1) the amount of funds made available by appropriations as operations funding for the administration of the university for fiscal year 1996; and

(2) such additional sums as may be necessary for the operation of the university pursuant to this Act.

By Mr. FAIRCLOTH (for himself and Mr. HELMS:)

S. 2118. A bill to amend the Internal Revenue Code of 1986 to allow casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

DISASTER LOSSES LEGISLATION

● Mr. FAIRCLOTH. Mr. President, joined by my colleague from North Carolina, Mr. HELMS, I introduce a bill that addresses a real concern for millions of middle-class people in disaster-prone areas.

The Tax Code permits the deduction of uninsured casualty losses. The Tax Code, however, requires these losses to total more than 10 percent of the taxpayer's adjusted gross income. Consequently, although a large number of middle-class taxpayers are faced with large repair and cleanup bills, these bills often fall short of the 10 percent of adjusted gross income threshold.

Mr. President, 43 North Carolina counties—home to more than half of the State population—were declared Federal disaster areas as a result of Hurricane Fran. Thousands of houses were destroyed and tens of thousands of houses suffered serious damage. These losses are clearly substantial enough to fall within the scope of the deduction.

However, there are hundreds of thousands of North Carolina families that suffered uninsured damage that, although substantial, falls short of the 10 percent limitation.

In fact, Mr. President, homeowners' insurance policies cover removal of trees that strike the house, but these policies do not otherwise cover downed or damaged trees. Further, insurance payments for tree removal are often capped far below the real cost of these efforts, which leaves insured homeowners, too, with a large bill.

It is estimated that Hurricane Fran caused $500 million in tree damage in North Carolina. The foresters estimate that the hurricane downed between 1 and 25 percent of the trees in affected areas.

I drove back to Sampson County, NC, during the hurricane, and the roads were littered with trees and branches. It was a sight of pure devastation.

Unfortunately, standard insurance policies do not cover much of this damage, so homeowners face some large and unexpected bills for cleanup costs.

For example, in the city of Raleigh, which is more than 100 miles inland, thousands of homeowners lost trees. Families across North Carolina face tree removal bills that range from $1,000 to $3,000 and upward. In fact, Mr. President, many families were required to hire crane crews to remove downed trees. The tree loss was remarkable in much of North Carolina.

These are middle-class families that earn under $50,000 per year. These tree removal bills are a real hit. However, because these bills often do not quite reach the 10 percent threshold, the deduction is unavailable.

As you know, Mr. President, an unanticipated $3,000 bill is a tremendous blow for most middle-class families. Consequently, many families are forced to dip into their savings, and others are required to borrow thousands of dollars.

It is a shame to see these people forced to raid their savings due to the 10 percent floor on the uninsured loss deduction. The Tax Code acknowledges that uninsured casualty losses are appropriate deductions. This bill, however, further acknowledges the burdens of catastrophic storms on the families that live in these areas.

This legislation thus eliminates the 10-percent requirement in Federal disaster areas. It permits working Americans to hold on to a bit more of their own earnings in the wake of a catastrophic storm.

Many families enjoy incomes sufficient enough to disqualify them for Federal grant assistance. These middle-class families do not want handouts. This bill, however, represents an acknowledgment of the special burdens on hard-working families in Federal disaster areas.

I think that this is reasonable legislation, Mr. President, and I hope that my colleagues will join me and Senator HELMS in this effort.●

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 2119. A bill to establish the Commission to Study the Federal Statistical System, and for other purposes; to the Committee on Governmental Affairs.

THE COMMISSION TO STUDY THE FEDERAL STATISTICAL SYSTEM ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with Senator KERREY of Nebraska, legislation that would establish a Commission To Study the Federal Statistical System.

The United States has the oldest and by and large finest data gathering system in the world. Statistics are part of our constitutional arrangement, which provides for a decennial census that, among other purposes, is the basis for apportionment of membership in the House of Representatives. I quote from article I, section I:

. . . enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

But, while the Constitution directed that there be a census, there was, initially, no Census Bureau. The earliest censuses were conducted by U.S. marshals. Later on, statistical bureaus in State governments collected the data, with a Superintendent of the Census overseeing from Washington. It was not until 1902 that a permanent Bureau of the Census was created by the Congress, housed initially in the Interior Department. In 1903 the Bureau was transferred to the newly established Department of Commerce and Labor.

The Statistics of Income Division of the Internal Revenue Service, which was originally an independent body, began collecting data in 1866. It too was transferred to the new Department of Commerce and Labor in 1903, but

then was put in the Treasury Department in 1913 following ratification of the 16th amendment, which gave Congress the power to impose an income tax.

The Bureau of Labor Statistics, created in 1884, was also initially in the Interior Department. The first Commissioner of the BLS, appointed in 1885, was Col. Carroll D. Wright, a distinguished Civil War veteran of the New Hampshire Volunteers. A self-trained social scientist, Colonel Wright pioneered techniques for collecting and analyzing survey data on income, prices, and wages. He had previously served as chief of the Massachusetts Bureau of Statistics, a post he held for 15 years, and in that capacity had supervised the 1880 Federal Census in Massachusetts.

In 1888, the Bureau of Labor Statistics became an independent agency. In 1903 it was once again made a Bureau, joining other statistical agencies in the Department of Commerce and Labor. When a new Department of Labor was formed in 1913—giving labor an independent voice, as labor was removed from the Department of Commerce and Labor—the Bureau of Labor Statistics was transferred to it.

And so it went. Statistical agencies sprung up as needed. And they moved back and forth as new executive departments were formed. Today, some 89 different organizations in the Federal Government comprise parts of our national statistical infrastructure. Eleven of these organizations have as their primary function the generation of data. These 11 organizations are:

Agency	Department	Date Established
National Agricultural Statistical Service.	Agriculture	1863
Statistics of Income Division, IRS.	Treasury	1866
Economic Research Service	Agriculture	1867
National Center for Education Statistics.	Education	1867
Bureau of Labor Statistics	Labor	1884
Bureau of the Census	Commerce	1902
Bureau of Economic Analysis	Commerce	1912
National Center for Health Statistics.	Health and Human Services	1912
Bureau of Justice Statistics	Justice	1968
Energy Information Administration.	Energy	1974
Bureau of Transportation Statistics.	Transportation	1991

NEED FOR LEGISLATION

President Kennedy once said:

Democracy is a difficult kind of government. It requires the highest qualities of self-discipline, restraint, a willingness to make commitments and sacrifices for the general interest, and also it requires knowledge.

That knowledge often comes from accurate statistics. You cannot begin to solve a problem until you can measure it.

This legislation would require the new Commission to conduct a comprehensive examination of our current statistical system and focus particularly on the agencies that produce data as their primary product—agencies such as the Bureau of Economic Analysis [BEA] and the Bureau of Labor Statistics [BLS].

This week I received a letter from nine former chairmen of the Council of Economic Advisers [CEA] endorsing this legislation. Excluding the two most recent chairs, who are still serving in the Clinton administration, the signatories include virtually every living chair of the CEA. While acknowledging that the United States ''possesses a first-class statistical system,'' these former chairmen remind us that ''problems periodically arise under the current system of widely scattered responsibilities.'' They conclude as follows:

Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your Bill has great promise of showing the way to major improvements.

The letter is signed by: Michael J. Boskin, Martin Feldstein, Alan Greenspan, Paul W. McCracken, Raymond J. Saulnier, Charles L. Schultze, Beryl W. Sprinkel, Herbert Stein, and Murray Weidenbaum.

I ask unanimous consent that the full text of this letter be printed in the RECORD following my statement.

It happens that this Senator's association with the statistical system in the executive branch began over three decades ago. I was Assistant Secretary of Labor for Policy and Planning in the administration of President John F. Kennedy. This was a new position in which I was nominally responsible for the Bureau of Labor Statistics. I say nominally out of respect for the independence of that venerable institution, which as I noted earlier long predated the Department of Labor itself. The then-Commissioner of the BLS, Ewan Clague, could not have been more friendly and supportive. And so were the statisticians, who undertook to teach me to the extent I was teachable. They even shared professional confidences. And so it was that I came to have some familiarity with the field.

For example, at that time the monthly report of the unemployment rate was closely watched by capital and labor, as we would have said, and was frequently challenged. Committees regularly assembled to examine and debate the data. Published unemployment rates, based on current monthly survey methodology appeared, if memory serves, in 1948, and so the series was at most 14 years in place at this time.

There is, of course, a long history of attempts to reform our Nation's statistical infrastructure. From the period 1903 to 1990, 16 different committees, commissions, and study groups have convened to assess our statistical infrastructure, but in most cases little or no action has been taken on their recommendations. The result of this inaction has been an ever expanding statistical system. It continues to grow in order to meet new data needs, but with little or no regard for the overall objectives of the system. Janet L. Norwood, former Commissioner of the BLS, writes in her book ''Organizing to Count'':

The U.S. system has neither the advantages that come from centralization nor the efficiency that comes from strong coordination in decentralization. As presently organized, therefore, the country's statistical system will be hard pressed to meet the demands of a technologically advanced, increasingly internationalized world in which the demand for objective data of high quality is steadily rising.

In this era of government downsizing and budget cutting it is unlikely that Congress will appropriate more funds for statistical agencies. It is clear that to preserve and improve the statistical system we must consider reforming it, yet we must not attempt to reform the system until we have heard from experts in the field.

The Commission established in the legislation will also examine the accuracy of our statistics. In the past few years there has been a growing concern that the methodology used to generate U.S. statistics may be outdated and can be improved.

It is clear there is a need for a comprehensive review of the Federal statistical infrastructure. For if the public loses confidence in our statistics, they are likely to lose confidence in our policies as well.

DESCRIPTION OF LEGISLATION

The legislation establishes the Commission to Study the Federal Statistical System. The Commission would consist of 13 members: 5 appointed by the President with no more than 3 from the same political party, 4 appointed by the President pro tempore of the Senate with no more than 2 from the same political party, and 4 appointed by the Speaker of the House with no more than 2 from the same political party. A chairman would be selected by the President from the appointed members. The members must have expertise in statistical policy with a background in disciplines such as actuarial science, demography, economics, and finance.

The Commission will conduct a comprehensive study of all matters relating to the Federal statistical infrastructure, including:

An examination of multipurpose statistical agencies such as the Bureau of Labor Statistics [BLS];

A review and evaluation of the mission and organizational structure of statistical agencies, including activities that should be expanded or deleted and the advantages and disadvantages of a centralized statistical agency;

An examination of the methodology involved in producing data and the accuracy of the data itself;

A review of interagency coordination and standardization of collection procedures;

A review of information technology and an assessment of how data is disseminated to the public;

An examination of individual privacy in the context of statistical data;

A comparison of our system with the systems of other nations; and

Recommendations for a strategy to maintain a modern and efficient statistical infrastructure.

All of these objectives will be addressed in an interim report due no later than June 1, 1998, with a final report due January 15, 1999.

The Commission is expected to spend $10 million: $2.5 million in FY 1997, $5 million in FY 1998, and $2.5 million in FY 1999. The Commission will cease to exist 90 days after the final report is submitted.

This legislation is only a first step, but an essential one. The Commission will provide Congress with the blueprint for reform. It will be up to us to finally take action after nearly a century of inattention to this very important issue.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commission to Study the Federal Statistical System Act of 1996''.

SEC. 2. FINDINGS.

The Congress, recognizing the importance of statistical information in the development and administration of policies for the private and public sector, finds that—

(1) accurate Federal statistics are required to develop, implement, and evaluate government policies and laws;

(2) Federal spending consistent with legislative intent requires accurate and appropriate statistical information;

(3) business and individual economic decisions are influenced by Federal statistics and contracts are often based on such statistics;

(4) statistical information on the manufacturing and agricultural sectors is more complete than statistical information regarding the service sector which employs more than half the Nation's workforce;

(5) experts in the private and public sector have long-standing concerns about the accuracy and adequacy of numerous Federal statistics, including the Consumer Price Index, gross domestic product, trade data, wage data, and the poverty rate;

(6) Federal statistical data should be accurate, consistent, and continuous;

(7) the Federal statistical infrastructure should be modernized to accommodate the increasingly complex and ever changing American economy;

(8) Federal statistical agencies should utilize all practical technologies to disseminate statistics to the public; and

(9) the Federal statistical infrastructure should maintain the privacy of individuals.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Study the Federal Statistical System (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 13 members of whom—

(A) 5 shall be appointed by the President;

(B) 4 shall be appointed by the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate; and

(C) 4 shall be appointed by the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the House of Representatives.

(2) POLITICAL PARTY LIMITATION.—(A) Of the 5 members of the Commission appointed under paragraph (1)(A), no more than 3 members may be members of the same political party.

(B) Of the 4 members of the Commission appointed under subparagraphs (B) and (C) of paragraph (1), respectively, no more than 2 members may be members of the same political party.

(3) CONSULTATION BEFORE APPOINTMENTS.—In making appointments under paragraph (1), the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives shall consult with the National Science Foundation and appropriate professional organizations, such as the American Economic Association and the American Statistical Association.

(4) QUALIFICATIONS.—An individual appointed to serve on the Commission—

(A) shall have expertise in statistical policy and a background in such disciplines as actuarial science, demography, economics, and finance;

(B) may not be a Federal officer or employee; and

(C) should be an academician, a statistics user in the private sector, or a former government official with experience related to—

(i) the Bureau of Labor Statistics of the Department of Labor; or

(ii) the Bureau of Economic Analysis or the Bureau of the Census of the Department of Commerce.

(5) DATE.—The appointments of the members of the Commission shall be made no later than 150 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN.—The President shall designate a Chairman of the Commission from among the members.

SEC. 4. FUNCTIONS OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive study of all matters relating to the Federal statistical infrastructure, including longitudinal surveys conducted by private agencies and partially funded by the Federal Government.

(2) STUDY AND RECOMMENDATIONS.—The matters studied by and recommendations of the Commission shall include—

(A) an examination of multipurpose statistical agencies that collect and analyze data of broad interest across department and function areas, such as the Bureau of Economic Analysis and the Bureau of the Census of the Commerce Department, and the Bureau of Labor Statistics of the Labor Department;

(B) a review and evaluation of the collection of data for purposes of administering such programs as Old-Age, Survivors and Disability Insurance and Unemployment Insurance under the Social Security Act;

(C) a review and evaluation of the mission and organization of various statistical agencies, including—

(i) recommendations with respect to statistical activities that should be expanded or deleted;

(ii) the order of priority such activities should be carried out;

(iii) a review of the advantages and disadvantages of a centralized statistical agency or a partial consolidation of the agencies for the Federal Government; and

(iv) an assessment of which agencies could be consolidated into such an agency;

(D) an examination of the methodology involved in producing official data and recommendations for technical changes to improve statistics;

(E) an evaluation of the accuracy and appropriateness of key statistical indicators and recommendations of ways to improve such accuracy and appropriateness;

(F) a review of interagency coordination of statistical data and recommendations of methods to standardize collection procedures and surveys, as appropriate, and presentation of data throughout the Federal system;

(G) a review of information technology and recommendations of appropriate methods for disseminating statistical data, with special emphasis on resources, such as the Internet, that allow the public to obtain information in a timely and cost-effective manner;

(H) an examination of individual privacy in the context of statistical data;

(I) a comparison of the United States statistical system to statistical systems of other nations;

(J) a consideration of the coordination of statistical data with other nations and international agencies, such as the Organization for Economic Cooperation and Development; and

(K) a recommendation of a strategy for maintaining a modern and efficient Federal statistical infrastructure as the needs of the United States change.

(b) REPORT.—

(1) INTERIM REPORT.—No later than June 1, 1998, the Commission shall submit an interim report on the study conducted under subsection (a) to the President and to the Congress.

(2) FINAL REPORT.—No later than January 15, 1999, the Commission shall submit a final report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, and recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) CHAIRMAN.—The Chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission. Such travel may include travel outside the United States.

(c) STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint an executive director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code. The Commission shall appoint such additional personnel as the Commission determines to be necessary to provide support for the Commission, and may compensate such additional personnel without regard to the provisions of title 5, United States Code, relating to the competitive service.

(2) LIMITATION.—The total number of employees of the Commission (including the executive director) may not exceed 30.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final report of the Commission.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,500,000 for fiscal year 1997, $5,000,000 for fiscal year 1998, and $2,500,000 for fiscal year 1999 to the Commission to carry out the purposes of this Act.

SEPTEMBER 23, 1996.

Hon. DANIEL P. MOYNIHAN,
Hon. J. ROBERT KERREY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MOYNIHAN AND KERREY: All of us are former Chairmen of the Council of Economic Advisers. We write to support the basic objectives and approach of your Bill to establish the Commission to Study the Federal Statistical System.

The United States possesses a first-class statistical system. All of us have in the past relied heavily upon the availability of reasonably accurate and timely federal statistics on the national economy. Similarly, our professional training leads us to recognize how important a good system of statistical information is for the efficient operations of our complex private economy. But we are also painfully aware that important problems of bureaucratic organization and methodology need to be examined and dealt with if the federal statistical system is to continue to meet essential public and private needs.

All of us have particular reason to remember the problems which periodically arise under the current system of widely scattered responsibilities. Instead of reflecting a balance among the relative priorities of one statistical collection effort against others, statistical priorities are set in a system within which individual Cabinet Secretaries recommend budgetary tradeoffs between their own substantive programs and the statistical operations which their departments, sometimes by historical accident, are responsible for collecting. Moreover, long range planning of improvements in the federal statistical system to meet the changing nature and needs of the economy is hard to organize in the present framework. The Office of Management and Budget and the Council of Economic Advisers put a lot of effort into trying to coordinate the system, often with success, but often swimming upstream against the system.

We are also aware, as of course are you, of a number of longstanding substantive and methodological difficulties with which the current system is grappling. These include the increasing importance in the national economy of the service sector, whose output and productivity are especially hard to measure, and the pervasive effect both on measures of national output and income and on the federal budget of the accuracy (or inaccuracy) with which our measures of prices capture changes in the quality of the goods and services we buy.

Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your Bill has great promise of showing the way to major improvements.

Sincerely,

PROF. MICHAEL J. BOSKIN,
The Hoover Institution.
DR. MARTIN FELDSTEIN,
National Bureau of Economic Research.
ALAN GREENSPAN.
PROF. PAUL W. MCCRACKEN,
University of Michigan.
RAYMOND J. SAULNIER.
CHARLES L. SCHULTZE,
The Brookings Institution.
BERYL W. SPRINKEL.
HERBERT STEIN,
American Enterprise Institute.
PROF. MURRAY WEIDENBAUM,
Center for the Study of American Business.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. JEFFORDS, Mr. BAUCUS, Mr. SIMON, Mr. HOLLINGS, and Mr. WELLSTONE):

S. 2121. A bill to ensure medicare beneficiaries participating in managed care have access to emergency and urgent care; to the Committee on Finance.

THE MEDICARE ACCESS TO EMERGENCY MEDICAL CARE ACT

Mr. GRAHAM. Mr. President, today I will introduce legislation entitled Medicare Access to Emergency Medical Care Act, joined by Senators GRASSLEY, MOSELEY-BRAUN, CHAFEE, BAUCUS, JEFFORDS, SIMON, HOLLINGS, and WELLSTONE.

This legislation would require Medicare health maintenance organizations to pay for emergency care services provided to prudent beneficiaries seeking emergency care and would preclude health maintenance organizations from requiring prior authorizations in such situations. This language, Mr. President, was previously approved by unanimous consent in the Senate during consideration of the Balanced Budget Act of 1995.

Why is this bill necessary? Mr. President, lack of a ''prudent lay person'' definition places Medicare beneficiaries in the unreasonable position of having emergency room visits for experiences, such as chest pain, denied for reimbursement by managed care organizations, in some cases significantly subsequent to the visit to the emergency room. Why denied? Denied because the beneficiary did not seek prior authorization, or denied because the beneficiary was diagnosed not to have an emergency condition, even if a reasonable person believed that they had an emergency condition.

According to the congressionally established Physician Payment Review Commission's 1996 annual report to Congress:

> Medicare requires health plans to provide or pay for care needed in an emergency, but what constitutes an emergency may be misunderstood or disputed by plans and beneficiaries. The definition of ''emergency'' is central to resolve such disputes and guide beneficiaries before they seek emergency care.

Mr. President, currently, 60 percent of the claims that are disputed between Medicare beneficiaries and managed care plans involve emergency room services. Let me repeat that. Sixty percent of the claims that are disputed between Medicare beneficiaries and managed care plans involve emergency room services. As a result, the Physician's Payment Review Commission recommends, ''A prudent lay person's perspective should be considered as one of the factors in determining when a health plan that participates in Medicare should pay for initial screening and stabilization, if necessary, in an emergency.

That is the standard which this legislation adopts. This legislation would protect Medicare beneficiaries who appear to act prudently from the perspective of a lay person—such as thinking that chest pain may be an indication of a heart attack and seeking emergency care. It would protect those Medicare beneficiaries from facing substantial,

or in some cases even catastrophic, financial liabilities. The irony of this situation is that the Federal Emergency Medical Treatment and Labor Act requires that all persons who come to a Medicare-participating hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency and, if so, that they receive stabilizing treatment before being discharged or moved to another facility. And that facility, that Medicare-participating hospital emergency room is required to provide those services without regard to the financial ability of the individual to pay.

As a result, emergency room doctors and hospitals face a Catch-22. They are required by Medicare law and their own professional ethics to perform diagnostic tests and examinations to rule out emergency conditions. But those same health care providers may be denied reimbursement due to prior authorization requirements or a finding that the condition was not of an emergent nature, even though symptoms, such as extreme pain, shortness of breath, chest pains, loss of blood, or others, would prompt most lay persons to conclude that they need to seek medical care immediately.

Dr. Paul Lindeman wrote in an article in the Miami Herald on July 30, 1995, about an 85-year-old woman with a hip fracture who was denied admission to his hospital's emergency department by her health maintenance organization so that she could be transferred to an emergency department across town. The patient had to wait 3 hours for the HMO ambulance service. According to Dr. Lindeman, ''No matter how well-trained or talented the emergency physician, there are also times when he or she requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed care bureaucracy can become a legitimate hazard to the patient.''

Now, Mr. President, some might be concerned that this legislation would preclude health maintenance organizations from limiting reimbursement for frivolous emergency room use and abuse by some beneficiaries. Such concern is unwarranted because this legislation does not prevent managed care plans from retrospectively reviewing services delivered in the hospital emergency department to Medicare beneficiaries. All it does is require the plans to base their review on whether the patient acted prudently given the patient's symptoms. Frivolous or abusive emergency room use by a patient would not be prudent and, therefore, could still be denied by the HMO.

Mr. President, in 1993, the Network Design Group, a group which is best known for their work as a national mediator and arbiter of disputes between Medicare beneficiaries and their health maintenance organizations, wrote a report for the Federal Government. In that it stated, ''Definitions of 'emergency' in regulation should be modified so that a reasonable and prudent lay person can anticipate claims that would be covered versus denied.''

Michael Stocker, the president and chief executive officer of Empire Blue Cross/Blue Shield in New York, argued a similar point in an editorial entitled ''The Ticket To Better Managed Care,'' which was published in the New York Times on October 28, 1995. Mr. Stocker wrote, ''At times, managed care is a euphemism for cost-cutting that puts the patient second. Because of the industry's financial success, too few organizations are paying attention to people's rising worries about how they will fare in HMO's that restrict access to specific doctors and hospitals.''

Mr. Stocker further argues that plans must ''provide high-quality service in ways that can be proved and readily understood.''

As part of providing quality of care to patients that is readily understood, Mr. Stocker concludes that, ''Health plans should pay for emergency room coverage for consumers who believe they have a legitimate emergency, even if it turns out that they do not.'' That is a perfect description of this bill's ''prudent lay person'' standard.

Finally, since the Federal Government and beneficiaries are paying through Medicare for emergency room services—that is, emergency room services are on the list of medical services that a Medicare beneficiary contracts to receive when they join a health maintenance organization—it makes sense to require that those services be provided and paid for on a reasonable basis.

Without it, Medicare becomes like a horribly ineffective Government program where money goes in but results and the delivery of services are lacking to the beneficiary. We in this Congress have a financial responsibility to demand that the services which we pay for are being delivered.

Mr. President, as we know managed care is becoming an increasing part of our health care system as it relates to Medicare beneficiaries. In 1990, there were only 3.5 percent of all Medicare beneficiaries enrolled in a managed care plan. Today that number exceeds 9 percent. The importance and need for this legislation will only increase as more and more Medicare beneficiaries are encouraged to elect managed care over fee-for-service as the form of receiving their Medicare services.

As a result, with the cosponsors, a broad bipartisan group of my colleagues, I am introducing this important legislation today. And I urge its adoption in the remaining days of this session, or in the next Congress.

Mr. President, I ask unanimous consent that copies of newspaper articles which I have cited from the Miami Herald and the New York Times regarding this issue be printed in the RECORD.

Mr. GRAHAM. Mr. President, I send to the desk this legislation, and request its immediate referral.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, July 30, 1995]

HMO'S IN THE ER: A VIEW FROM THE TRENCHES

(By Paul R. Lindeman)

I arrived for my 12-hour shift in the Emergency Department at 7 p.m. As the departing physician and I went over the cases of the current patients, I was told the woman in Room 2 was being transferred to a psychiatric facility. The patient was pregnant, addicted to crack cocaine and had been assessed as suicidal by a psychiatrist.

An obstetrician was required to care for the patient during her stay at the mental health facility. The only two groups of practicing obstetricians who were on this woman's HMO ''panel'' and on staff at this facility both refused to accept this high-risk case. That left this unfortunate woman, and our staff, caught in the ''never-never land'' of managed care.

When I left the Emergency Department at 7:30 the following morning, she was still in Room 2. It took hospital administrators and attorneys all day to arrange disposition, and the patient was eventually transferred—at 6:30 that evening.

Managed-care health plans typically limit choice of doctors and hospitals and attempt to closely monitor services provided. Their goal is to curb unnecessary tests and hospitalizations to keep costs down. In the case of for-profit managed-care companies, the additional purpose is obvious. But what happens when managed care meets the emergency room?

Federal law requires a screening exam at emergency facilities, but HMOs are not required to pay. By exploiting this fact, managed care is able to shift costs onto hospitals, doctors and policyholders, thereby ''saving'' money.

Consider the case of a 50-year-old male who awakes at 4 a.m. with chest pain and goes to the hospital 10 blocks away—instead of his HMO hospital an extra 30 minutes away. After examination and testing, it's determined that the patient is not having a heart attack and that it's safe for him to go home.

His diagnosis is submitted on a claim form with a code for ''gastritis.''

His insurance company denies payment, stating that ''gastritis'' is not an emergency. As a result, the hospital and the company who employs the emergency department physician both bill the patient.

While this ''retrospectoscope'' is widely employed and industry standard for denying payment, there are many other ''savings'' techniques. For instance, many HMOs require ''pre-authorization'' to treat a patient in the ER.

Consider now a 60-year-old female who arrives at the emergency room complaining also of chest pain. The triage nurse examines the patient, obtaining a brief history and vital signs. A call is placed to the insurance company and a recorded message is obtained without specific instruction regarding emergencies. The patient is treated but the payment is denied. Reason: Authorization was never obtained.

Here's an alternate scenario, same patient, again waiting for pre-authorization. (Noncritical patients often wait for more than an hour.) This time ''the insurance company'' answers the phone. Reading from a list, a series of questions is asked, limited almost exclusively to obtaining recorded numbers.

Based on these numbers, the individual speaking for the company determines that it is safe for the patient to be transferred to its hospital. The emergency physician disagrees. The patient stays and is admitted to the hospital.

The HMO denies payment for the ER visit and the 24-hour hospitalization, stating that the patient should have been transferred. Again, the patient/policyholder, who pays a monthly premium for his or her insurance, is billed for all hospital and physician services.

The representative for the insurance company who decides on preauthorization can range from someone with no medical background at all to another physician (albeit with a vested economic incentive). Generally the level of expertise is somewhere between this. Thus, the near-Orwellian scenario frequently plays out whereby a doctor who has seen and examined a patient is trying to convince a nurse, over the telephone, that a patient is sick.

Rudy Braccili Jr., business operations director for the North Broward Hospital District, was quoted in The Herald as saying. ''It's just a game they play to avoid paying, and it's one of the ways they save money. They do not see the realities of people who in the middle of the night come into emergency rooms.'' He estimates that North District hospitals have lost millions of dollars a year because of HMOs' reluctance to pay bills.

Part of the problem is that what managed-care organizations are trying to do is often quite difficult: determine prospectively which patients are truly deserving of emergency-room care. Indeed, this may in fact be a Catch-22. I know of no way to accurately discern acute appendicitis from a ''tummy ache'' without a history and physical examination. Furthermore, medicine does not always lend itself to black and white. For instance, is a woman who screams and gyrates hysterically as a result of a squirming cockroach in her ear an emergency?

Unfortunately, problems with HMOs in the ER go beyond cost shifting and denial of payment. They often turn an otherwise brief encounter into a harrowing ordeal. Another example from ''the trenches'' is illustrative.

Our patient this time is an 85-year-old woman with a hip fracture. But instead of being admitted, her HMO mandates that she be transferred across town to the emergency department at another facility where they contract their surgical hip repairs. The patient waits three hours for the HMO ambulance service, which is ''backed up.''

Consumers note: Had the patient not sold her Medicare privileges to this HMO, she would have been admitted to our hospital uneventually in a fraction of the time required to complete her managed-care sojourn.

No matter how well trained or talented the emergency physician, there are also times when she or he requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed-care bureaucracy can become a legitimate hazard to the patient.

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, has said, ''In some ways, it's less frustrating for us to take care of homeless people than HMO members. At least we can do what we think is right for them, as opposed to trying to convince an HMO over the phone of what's the right thing to do.''

In my experience that is not an exaggeration. In the emergency department, the homeless—while certainly deserving of medical care—often receive better and more prompt care than the HMO policyholder.

Conventional political wisdom holds that health-care reform is dead, in fact, nothing could be further from the truth. Reform has been taking place at breakneck speed entirely independent of Washington. In the last five to 10 years, managed-care companies and the private sector have changed profoundly the manner in which many Americans now receive their health care.

As for-profit managed care has usurped decision-making authority from physicians, so have they also diverted funds from hospitals, physicians and policyholders to their own CEOs and stockholders. Last year, HMO profits grew by more than 15 percent, with the four largest HMOs each reporting more than $1 billion in profits. What Democrats and Republicans alike fail to appreciate is that the allegiance of managed care is to neither the patient nor the reduction of the federal deficit, but to its CEOs and stockholders.

So next time you see one of those warm and fuzzy television commercials for an HMO that promises the world, remember this: ''choose your own doctor'' really means choose your own doctor from our list. And as for the claim ''no premiums, no deductibles, no copayment'' (health insurance for free?), you may as well pencil in: ''no doctor.'' At least, not one likely to get up in the middle of the night.

[From the New York Times, Oct. 28, 1995]

THE TICKET TO BETTER MANAGED CARE

(By Michael A. Stocker)

The central question about the future of health care goes beyond the outcome of the debate over Medicare and Medicaid: Can health maintenance organizations and other managed care plans truly provide low-cost and high-quality health care?

Like many people, I am dismayed at the way some managed care organization work. At times, managed care is a euphemism for cost-cutting that puts the patient second. Because of the industry's financial success, too few organizations are paying attention to people's rising worries about how they will fare in H.M.O.'s that restrict access to specific doctors and hospitals.

H.M.O.'s can no longer expect to prosper simply because they are less expensive than traditional fee-for-service medical care. They must keep proving that their goal, first and foremost, is to provide high-quality service in ways that can be proved and readily understood. Not every health plan will succeed, but there are some avenues that every health plan executive should follow.

Learning about a good health plan by word of mouth is insufficient. The industry needs to provide information that enables people to compare plans and chose intelligently among them when they are not sick.

In my view, in New York State that means establishing a public-private system that compares the performances of competing plans and requires all plans to participate. The criteria might include the time it takes to get problems solved properly and to see an appropriate doctor when one needs to do so.

Like the rest of the medical profession, H.M.O.'s need to improve the way they measure the outcome of their treatments. While the art of diagnosis is well-developed, often treatment involves more uncertainty. In New York, the Department of Health has been releasing risk-adjusted mortality data about common types of heart surgery. However uneasy doctors are about such findings, the data have pointed out real differences in the quality of care among doctors and hospitals. We need more information like this. Most companies are not investing enough money in developing and operating patient-information banks. Keeping inferior records is self-defeating.

Most people thing a high-quality health plan is one that lets them choose their doctors. While such a choice is important, it is not the whole story. Some plans that limit access to physicians and hospitals can be very high in quality. But they really have to prove it.

H.M.O's must go out of their way to involve patients in their own care. Studies show that when patients know more about their alternatives, and participate with their doctors in decision-making, the result is not only happier but also healthier patients, and even cost savings.

Legislation should be introduced in Albany that lays down a number of requirements: First, intelligible full-disclosure literature is imperative. Health plans must make clear the guidelines they want their doctors to follow when treating patients. The plans should disclose the treatments not covered. Second, the plans should full disclose their payment to physicians, including bonuses related to cost containment and quality of care.

Third, health plans should pay for emergency room coverage for consumers who believe they have a legitimate emergency, even if it turns out they do not. Fourth, patients should be aware of the drugs that managed care plans allow doctors to prescribe. They should also know how to appeal decisions about drugs.

In short, health plans have to stop ignoring the public's fears and acting so much like cold insurance companies. They have to start listening more like doctors.

[From the New York Times, July 9, 1995]

H.M.O.'S REFUSING EMERGENCY CLAIMS, HOSPITALS ASSERT

TWO MISSIONS IN CONFLICT

''Managed Care'' Groups Insist They Must Limit Costs—Doctors Are Frustrated

(By Robert Pear)

WASHINGTON, July 8.—As enrollment in health maintenance organizations soars, hospitals across the country report that H.M.O.'s are increasingly denying claims for care provided in hospital emergency rooms.

Such denials create obstacles to emergency care for H.M.O. patients and can leave them responsible for thousands of dollars in medical bills. The denials also frustrate emergency room doctors, who say the H.M.O. practices discourage patients from seeking urgently needed care. But for their part, H.M.O.'s say their costs would run out of control if they allowed patients unlimited access to hospital emergency rooms.

How H.M.O.'s handle medical emergencies is an issue of immense importance, given recent trends. Enrollment in H.M.O.'s doubled in the last eight years, to 41 million in 1994, partly because employers encouraged their use as a way to help control costs.

In addition, Republicans and many Democrats in Congress say they want to increase the use of H.M.O.'s because they believe that such prepaid health plans will slow the growth of Medicare and Medicaid, the programs for the elderly and the poor, which serve 73 million people at a Federal cost of $267 billion this year.

Under Federal law, a hospital must provide ''an appropriate medical screening examination'' to any patient who requests care in its emergency room. The hospital must also provide any treatment needed to stabilize the patient's condition.

Dr. Toni A. Mitchell, director of emergency care at Tampa General Hospital in Florida, said: ''I am obligated to provide the care, but the H.M.O. is not obligated to pay for it. This is a new type of cost-shifting, a way for H.M.O.'s to shift costs to patients, physicians and hospitals.''

Most H.M.O.'s promise to cover emergency medical services, but there is no standard

definition of the term. H.M.O.'s can define it narrowly and typically reserve the right to deny payment if they conclude, in retrospect, that the conditions treated were not emergencies. Hospitals say H.M.O.'s often refuse to pay for their members in such cases, even if H.M.O. doctors sent the patients to the hospital emergency rooms. Hospitals then often seek payment from the patient.

Dr. Stephan G. Lynn, director of emergency medicine at St. Luke's-Roosevelt Hospital Center in Manhattan, said: ''We are getting more and more refusals by H.M.O.'s to pay for care in the emergency room. The problem is increasing as managed care becomes a more important source of reimbursement. Managed care is relatively new in New York City, but it's growing rapidly.''

H.M.O.'s emphasize regular preventive care, supervised by a doctor who coordinates all the medical services that a patient may need. The organizations try to reduce costs by redirecting patients from hospitals to less expensive sites like clinics and doctors' offices.

The disputes over specific cases reflect a larger clash of missions and cultures. An H.M.O. is the ultimate form of ''managed care,'' but emergencies are, by their very nature, unexpected and therefore difficult to manage. Doctors in H.M.O.'s carefully weigh the need for expensive tests or treatments, but in an emergency room, doctors tend to do whatever they can to meet the patient's immediate needs.

Each H.M.O. seems to have its own way of handling emergencies. Large plans like Kaiser Permanente provide a full range of emergency services around the clock at their own clinics and hospitals. Some H.M.O.'s have nurses to advise patients over the telephone. Some H.M.O. doctors take phone calls from patients at night. Some leave messages on phone answering machines, telling patients to go to hospital emergency rooms if they cannot wait for the doctors' office to reopen.

At the United Healthcare Corporation, which runs 21 H.M.O.'s serving 3.9 million people, ''It's up to the physician to decide how to provide 24-hour coverage,'' says Dr. Lee N. Newcomer, chief medical officer of the Minneapolis-based company.

George C. Halvorson, chairman of the Group Health Association of America, a trade group for H.M.O.'s, said he was not aware of any problems with emergency care. ''This is totally alien to me,'' said Mr. Halvorson, who is also president of HealthPartners, an H.M.O. in Minneapolis. Donald B. White, a spokesman for the association said, ''We just don't have data on emergency services and how they're handled by different H.M.O.'s.''

About 3.4 million of the nation's 37 million Medicare beneficiaries are in H.M.O.'s. Dr. Rodney C. Armstead, director of managed care at the Department of Health and Human Services, said the Government had received many complaints about access to emergency services in such plans. He recently sent letters to the 164 H.M.O.'s with Medicare contracts, reminding them of their obligations to provide emergency care.

Alan G. Raymond, vice president of the Harvard Community Health Plan, based in Brookline, Mass., said, ''Employers are putting pressure on H.M.O.'s to reduce inappropriate use of emergency services because such care is costly and episodic and does not fit well with the coordinated care that H.M.O.'s try to provide.''

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, a teaching hospital in Boston, said: ''H.M.O.'s are excellent at preventive care, regular routine care. But they have not been able to cope with the very unpredictable, unscheduled nature of emergency care. They often insist that their members get approval before going to a hospital emergency department. Getting prior authorization may delay care.

''In some ways, it's less frustrating for us to take care of homeless people than H.M.O. members. At least, we can do what we think is right for them, as opposed to trying to convince an H.M.O. over the phone of what's the right thing to do.''

Dr. Gary P. Young, chairman of the emergency department of Highland Hospital in Oakland, Calif., said H.M.O.'s often directed emergency room doctors to release patients or transfer them to other hospitals before it was safe to do so. ''This is happening every day,'' he said.

The PruCare H.M.O. in the Dallas-Forth area, run by the Prudential Insurance Company of America, promises ''rock solid health overage,'' but the fine print of its members' handbook says, ''Failure to contact the primary care physician prior to emergency treatment may result in denial of payment.''

Typically, in an H.M.O., a family doctor or an internist managing a patient's care serves as ''gatekeeper,'' authorizing the use of specialists like cardiologists and orthopedic surgeons. The H.M.O.'s send large numbers of patients to selected doctors and hospitals; in return, they receive discounts on fees. But emergencies are not limited to times and places convenient to an H.M.O.'s list of doctors and hospitals.

H.M.O.'s say they charge lower premiums than traditional insurance companies because they are more efficient. But emergency room doctors say that many H.M.O.'s skimp on specialty care and rely on hospital emergency rooms to provide such services, especially at night and on weekends.

Dr. David S. Davis, who works in the emergency department at North Arundel Hospital in Glen Burnie, Md., said: ''H.M.O.'s don't have to sign up enough doctors as long as they have the emergency room as a safety net. The emergency room is a backup for the H.M.O. in all its operations.'' Under Maryland law, he noted, an H.M.O. must have a system to provide members with access to doctors at all hours, but it can meet this obligation by sending patients to hospital emergency rooms.

To illustrate the problem, doctors offer this example: A 57-year-old man wakes up in the middle of the night with chest pains. A hospital affiliated with his H.M.O. is 50 minutes away, so he goes instead to a hospital just 10 blocks from his home. An emergency room doctor orders several common but expensive tests to determine if a heart attack has occurred.

The essence of the emergency physician's art is the ability to identify the cause of such symptoms in a patient whom the doctor has never seen. The cause could be a heart attack. But it could also be indigestion, heartburn, stomach ulcers, anxiety, a panic attack, a pulled muscle or any of a number of other conditions.

If the diagnostic examination and tests had not been performed, the hospital and the emergency room doctors could have been cited for violating Federal law.

But in such situations, H.M.O.'s often refuse to pay the hospital, on the ground that the hospital had no contract with the H.M.O., the chest pain did not threaten the patient's life or the patient did not get authorization to use a hospital outside the H.M.O. network.

Representative Benjamin L. Cardin, Democrat of Maryland, said he would soon introduce a bill to help solve these problems. The bill would require H.M.O.'s to pay for emergency medical services and would establish a uniform definition of emergency based on the judgment of ''a prudent lay person.'' The bill would prohibit H.M.O.'s from requiring prior authorization for emergency services. A health plan could be fined $10,000 for each violation and $1 million for a pattern of repeated violations.

The American College of Emergency Physicians, which represents more than 15,000 doctors, has been urging Congress to adopt such changes and supports the legislation.

When H.M.O.'s deny claims filed on behalf of Medicare beneficiaries, the patients have a right to appeal. The appeals are heard by a private consulting concern, the Network Design Group of Pittsford, N.Y., which acts as agent for the Government. The appeals total 300 to 400 a month, and David A. Richardson, president of the company, said that a surprisingly large proportion—about half of all Medicare appeals—involved disagreements over emergencies or other urgent medical problems.

By Mr. DEWINE:

S. 2122. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

THE FALLEN TIMBERS ACT

● Mr. DEWINE. Mr. President, I introduce legislation that will designate the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis as national historic sites.

Mr. President, the people of northwest Ohio are committed to preserving the historic heritage of the United States and the State of Ohio, as well as that of their own community.

The truly national significance of the Battle of Fallen Timbers and Fort Meigs have been acknowledged already. In 1960, Fallen Timbers was designated as a National Historic Landmark. In 1969, Fort Meigs received this designation.

The Battle of Fallen Timbers is acknowledged by the National Park Service as a culminating event in the history of the struggle for dominance in the old Northwest Territory.

Fort Meigs is recognized by the National Park Service as the zenith of the British advance in the west as well as the maximum effort by Native forces under the Shawnee, Tecumseh, during the War of 1812.

Fort Miamis, which was attacked twice without success by British troops, led by Gen. Henry Proctor, in the spring of 1813, is listed on the National Register of Historic Places.

Recently, the National Park Service completed a special resource study examining the proposed national historic site designation and the suitability of these sites for inclusion in the National Park System.

The Park Service concluded that these sites were suitable for inclusion in the National Park System—with non-Federal management and National Park Service assistance. The bill I am introducing today would act on that recommendation.

My legislation will accomplish the following:

Recognize and preserve the 185-acre Fallen Timbers Battlefield site;

Formalize the linkage between the Fallen Timbers Battlefield and Monument to Fort Meigs and Fort Miamis;

Preserve and interpret U.S. military history and native American culture during the period from 1794 through 1813; and,

Provide technical assistance to the State of Ohio as well as interested community and historical groups in the development and implementation of programming and interpretation of the three sites.

However, my legislation will not require the Federal Government to provide direct funding to these three sites. That responsibility remains with—and is welcomed by—the many individuals, community groups, elected officials, and others who deserve recognition for their many hours of hard work dedicated to this issue.

Mr. President, we have entered an era where the responsibility and the drive behind the management, programming, and—in many cases—the funding for historic preservation is the responsibility of local community groups, local elected officials, and local business communities.

This legislation to designate the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis as national historic sites represents just such an effort. In my opinion, it is long overdue.

Mr. President, it's time to grant these truly historic areas the measure of respect and recognition they deserve. I agree with the National Park Service—and the people of Ohio—on this issue. That is why I am proposing this important legislation today.●

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. COHEN, Mr. DOMENICI, Mr. PRESSLER, Mr. GRASSLEY, Mr. LEAHY, Mr. GREGG, Mrs. KASSEBAUM, Mr. AKAKA, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mr. D'AMATO, Mrs. FRAHM, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. THOMAS, Mr. DODD, Mr. DORGAN, Mr. BRADLEY, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. BURNS):

S. 2123. A bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the highway trust fund made in correction of an accounting error made in fiscal year 1994, and for other purposes; to the Committee on Environment and Public Works.

THE HIGHWAY FUNDING FAIRNESS ACT OF 1996

Mr. BAUCUS. Madam President, the cosponsors of our legislation include the following Senators, in addition to myself and Senator BINGAMAN: Senator AKAKA from Hawaii, Senator COHEN, Senator D'AMATO, Senator DODD, Senator DOMENICI, Senator FRAHM, Senator GREGG, Senator GRASSLEY, Senator HARKIN, Senator JEFFORDS, Senator KASSEBAUM, Senator KENNEDY, Senator KERRY, Senator LEAHY, Senator LIEBERMAN, Senator MOYNIHAN, Senator PRESSLER, and Senator THOMAS.

I ask unanimous consent that all those Senators be listed as original cosponsors of our legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, essentially, this is a bipartisan bill to correct a bureaucratic, administrative error that has penalized 28 States under the highway program. It is that simple. This bill is identical to the amendment I offered to the Transportation appropriations bill on July 31. It is the same bill. Although that amendment received the support of 57 Senators—57 Senators voted in favor of it—the conference committee dropped the issue from the conference report. That is why Senator BINGAMAN, myself, and my colleagues are back here today. Let me briefly explain this bill.

In 1994, the Treasury delayed crediting the highway trust fund with approximately $1.6 billion in revenues collected from the Federal gasoline tax. It was an error. They made a mistake. While the money was later eventually deposited into the highway trust fund, this delay has had very serious ramifications on all of our States.

As most of my colleagues know, the formulas for distributing Federal highway funds to the States were set in place in 1991 in the highway bill, otherwise known as ISTEA. Those formulas govern the distribution of funds for 6 years through September 30 of next year. That is the formula. It is in place. It is in the law for distributing allocations of highway funds among our States.

Of our many categories of highway funding, there is a direct correlation between the amount of money a State pays into the highway trust fund and the amount of money a State subsequently receives. If the revenue the States paid to the highway trust fund are not correctly credited to the appropriate accounts, the wrong amount of funds is subsequently distributed to the individual States. That is what happened.

When the Treasury made this mistake and delayed crediting $1.6 billion to the highway trust fund, the amount of money distributed to the States under one category, called 90 percent of payments category, was skewed, simply because of a bureaucratic delay. Pure and simple bureaucratic delay, mistake.

As a consequence, some States were initially shortchanged in 1996 of their distributions, and on this coming Tuesday, October 1, the error will be compounded. Some States will receive much more than the original highway bill formula called for; others will receive much less. A lot of money is at stake.

In the fiscal year 1997 Transportation appropriations conference report, highway spending was set at $18 billion. That is $450 million more than last year, a record amount for the highway program. One would think that such an increase would mean that each State will receive an increase in available funds. Not so. Just the opposite has happened. Even with that large increase in total funds allocated, 28 States will see a decrease in their highway apportionments.

Some States will lose up to 17 percent. Others will see an increase of up to 30 percent. A good part of these fluctuations is due to the Treasury Department error, obviously unfair.

Our bill fixes this, puts us right back to the status quo, to the formula prescribed allocations. It requires the Department of Transportation use the correct numbers in fiscal year 1997 when calculating the distribution of funds to States under ISTEA, the highway bill.

It also requires the Department of Transportation to correct the error in fiscal year 1996. So the distributions errors made in 1996, as well as the errors that will be made, unless corrected, in 1997, will both be corrected. In other words, I want to completely correct the situation. No State should gain or lose Federal highway funds based only on a bureaucratic error at the Department of Treasury.

Now that we understand the tremendous financial impact of this error, now that it is discovered, I don't think it should be compounded and continued in the future.

Let me stress to my colleagues that this is not—I repeat, is not—an ISTEA formula change. This is not a legislative change to change the formula that Congress set back in 1991. This has nothing to do with the allocation that was set by legislation back in 1991. In fact, this bill will ensure that all States receive the amount of money originally authorized under ISTEA, no more, no less.

Furthermore, this is not a donor State versus donee State funding issue, as some would say. It is not that at all. I am disappointed that some continue to characterize the situation in those terms. Some have even said that States interested in fixing the error are being greedy, a few believe. How can a State who seeks to correct an acknowledged error be called greedy? We are trying put the situation back to where it was as we legislated and intended it to be. This is truly a case of correcting an honest bureaucratic mistake. Both the Departments of Treasury and Transportation admit that the error was made.

If some States are not happy with the ISTEA formulas adopted in 1991, I say so be it. There is ample opportunity to have that debate next year when Congress takes up the highway bill and deals with formula allocations. It is going to be a big fight, but that is where the fight should be, Madam President. We all know that. It should be in the context of the highway bill. But to use a bureaucratic error as a backdoor way to change the formulas,

I think, is underhanded and is not the way the Senate—the whole Congress, for that matter—ought to do business.

We are introducing this legislation before the end of the 104th Congress. I want to alert my colleagues that many of us feel that this Treasury error is of such magnitude and of such importance that it must be addressed in the future.

I thank my good friend, Senator BINGAMAN, from New Mexico, for his hard work and the welcome support of other Senators. We are helping get this error corrected.

I thank you, Madam President, for your hopeful help, too, as I see your colleague is a cosponsor. It is my hope that the other Senator from Maine will see the wisdom of his efforts as well.

I ask unanimous consent that Senator DORGAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Highway Funding Fairness Act of 1996''.

SEC. 2. CALCULATION OF FEDERAL-AID HIGHWAY APPORTIONMENTS AND ALLOCATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), for fiscal year 1997, the Secretary of Transportation shall determine the Federal-aid highway apportionments and allocations to a State without regard to the approximately $1,596,000,000 credit to the Highway Trust Fund (other than the Mass Transit Account) of estimated taxes paid by States that was made by the Secretary of the Treasury for fiscal year 1995 in correction of an accounting error made in fiscal year 1994.

(b) ADJUSTMENTS FOR EFFECTS IN 1996.—The Secretary of Transportation shall, for each State—

(1) determine whether the State would have been apportioned and allocated an increased or decreased amount for Federal-aid highways for fiscal year 1996 if the accounting error referred to in subsection (a) had not been made (which determination shall take into account the effects of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1921)); and

(2) after apportionments and allocations are determined in accordance with subsection (a)—

(A) adjust the amount apportioned and allocated to the State for Federal-aid highways for fiscal year 1997 by the amount of the increase or decrease; and

(B) adjust accordingly the obligation limitation for Federal-aid highways distributed to the State under section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1997.

(c) NO EFFECT ON 1996 DISTRIBUTIONS.—Nothing in this section shall affect any apportionment, allocation, or distribution of obligation limitation, or reduction thereof, to a State for Federal-aid highways for fiscal year 1996.

(d) EFFECTIVE DATE.—This section shall take effect on September 30, 1996.

Mr. BINGAMAN. Madam President, let me speak briefly about a bill entitled the ''Highway Funding Fairness Act'' that Senator BAUCUS is introducing today, and which several of us are cosponsoring, to correct a serious problem in the calculation of fiscal year 1997 Federal-aid highway fund apportionments and allocations. It is our intention to use whatever vehicles are available, including the omnibus appropriations bill, to try to correct an error that exists in the transportation appropriations bill that was earlier passed in this body and sent to the President.

Senator BAUCUS will describe in more detail the technical mistake that was made by the Department of Treasury in 1994, which resulted in faulty projections for this fiscal year. It is my understanding that the Department of Transportation has previously been instructed and empowered by the Office of Management and Budget to apportion highway funds on the basis of this error being corrected. And, in fact, baseline budget projections for the Department of Transportation reflect this agreement.

Somewhere between then and now, signals have changed and States are about to get either unfairly rewarded or unfairly punished because of a flawed apportionment formula.

Many of us in this Chamber thought that the problem had been fixed when we passed Senator BAUCUS' amendment as part of the fiscal year 1997 Transportation appropriations bill. This amendment, like the bill we are introducing today, would have corrected the accounting error.

When the conference report emerged, however, the amendment that would have fixed the problem had been dropped. Unfortunately, when we voted on this issue last Wednesday night, very few Senators were adequately informed that the correcting amendment which Senator BAUCUS had previously offered was no longer included and that many of their States would be taking serious, unexpected cuts in spending authority for highway projects.

I have asked the President, as have many other Senators, to try to fix this by working with the Department of Transportation to apportion funds based on their original baseline projections, as understood by the Office of Management and Budget and the Congressional Budget Office, or if the President determines that is not possible, to then veto the legislation and return it to the Congress so we can fix the problem. I believe our States are not well-served by this legislation. We must use all opportunities available to call attention to this error and correct it before the Congress adjourns.

What is even more disturbing in assessing the impact of the error is that overall highway spending will increase in fiscal year 1997 to $18 billion, $455 million over current levels, the highest amount in history. It is not reasonable for States like my own, New Mexico, to be taking a $20 million reduction in highway funds when the overall accounts are being increased to their highest levels.

It is not acceptable to me or to the residents of my State of New Mexico to accept outcomes that are the result of accounting errors.

Let me list the funding reductions that 28 States are about to receive in fiscal year 1997 highway fund distributions unless we are able to correct this problem before we leave town.

The States that are losers under the bill as it now stands would be: Alaska, $22 million less than the current year; Colorado, $1.2 million less; Connecticut, $37 million less; Delaware, $8 million less; Hawaii, $13 million less; Idaho, $7 million less; Illinois, $71 million less; Iowa, $21 million less; Kansas, $22 million less; Maine, $7 million less; Maryland, $3 million less; Massachusetts, $73 million less; Minnesota, $32 million less; Montana, $21 million less; Nebraska, $15 million less; New Hampshire, $9 million; New Jersey, $44 million; my own State, as I have indicated, $20 million less; New York, $111 million less than current year funding; North Dakota, $11 million less; Ohio, $19 million less; Rhode Island, $14 million less; South Dakota, $12 million less; Utah, $4 million less; Vermont, $8 million less; Washington State, $33 million less; West Virginia, $17 million less; and Wyoming, $12 million less.

Madam President, in contrast, there are some very large winners because of this accounting error. Texas, for example, is receiving a $183 million increase in next year's funding, which is about a 19 percent increase over the current year. Arizona, which borders my home State of New Mexico, will receive a 24 percent increase. California will receive an additional $122 million over current year funding.

My home State's total highway funds will be cut by 12 percent unless we can correct the error that the amendment of Senator BAUCUS seeks to correct. In our State, we have six highway department districts that will have to shoulder the burden of these cuts, resulting in each of those districts receiving something around $3 or $4 million less than in the current year.

Albuquerque, and that portion of my State, will be hit harder than other regions because it generally receives more Federal highway funds than other regions. Our State and Federal funding contributions now hardly extend far enough to manage maintenance and upgrade of existing highways, not to mention initiate new projects. This impact will most likely mean that few, if any, such new projects will be initiated.

My real concern, Madam President—and I will conclude with this—my real concern is that the impact of this accounting error is that my State of New Mexico will proceed, as will all the

other States I have mentioned, into the debates on the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in a disadvantaged position. There are going to be lots of discussions, debate, and back and forth negotiations about highway funding formulas. This is going to severely harm the 28 States that are going to have to enter those discussions with a lower baseline of funding, a baseline of funding that should not have ever occurred.

The bottom line in all of this is that we are allowing an accounting error to drive our legislative outcome, rather than the collective intent of the Senate. This is unacceptable. I strongly urge my colleagues to work with us in correcting this problem and to support Senator BAUCUS' lead on this. We have time before we leave town to legislatively address the issue, particularly when we have the opportunity to amend the omnibus appropriations bill, which will be coming to the floor in the next few days.

Madam President, we were not sent here to legislate based on accounting errors. I hope we can correct this one.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Madam President, I thank my good friend, Senator BINGAMAN, from New Mexico, for his statement. The words he spoke are true. He very well characterized the nature of this problem. I appreciate his assistance.

Mr. LAUTENBERG. Mr. President, I join my colleagues from Montana and New Mexico in introducing a bill that will correct an accounting error made by the Treasury Department in calculating highway allocations. The Highway Funding Fairness Act of 1996 does not change any formulas established in ISTEA, it does not affect any existing donor-donee relationship.

Simply put, the bill merely corrects the fact that the Department of the Treasury misinterpreted revenue reports because these reports were put in a new format. This error is acknowledged by the Treasury Department and the Federal Highway Administration. The unfortunate result is that the Treasury Department grossly overstated the amount of gas tax receipts to the highway trust fund during 1994. With the passage of this bill, States will receive the funding that they are entitled to —no more, no less.

This amendment will not deny any state the full 90 percent of payments that they are due through the Federal Aid Highway Formula Program. What this amendment will do is set these payments at 90 percent of what the States actually paid, rather than 90 percent of the Treasury's erroneous estimates.

Mr. President, this body is familiar with the problem this bill seeks to address. During consideration of the Transportation appropriations bill, the Senator from Montana, Senator BAUCUS, offered an amendment to correct the mistake. This bill is identical to that amendment. After significant discussion, the Senate adopted the provision directing first that the Treasury and Transportation Departments ensure that there was indeed an accounting error, a mistake, and second, that Treasury would be directed to correct the error.

Again, Mr. President, the Senate adopted that amendment. Unfortunately, it was dropped in conference. And here we are again, faced with the prospect that, without a correction, States would receive the wrong highway funding levels to which they are entitled.

The logic behind the Highway Funding Fairness Act of 1996 is simple, it is fair. Congress, in 1991, passed the landmark ISTEA law, containing the highway funding formulas. Congress should ensure that those formulas are adhered to when the administration calculates States' highway funds. This bill will correct the bureaucratic error and ensure that States receive the accurate amounts calculated under the highway funding formula.

I urge my colleagues to join me in cosponsoring the bill, and I look forward to its swift passage.

By Mr. KEMPTHORNE:

S. 2124. A bill to provide for an offer to transfer to the Secretary of the Army of certain property at the Navy Annex, Arlington, VA; to the Committee on Armed Services.

THE ARLINGTON NATIONAL CEMETERY ENHANCEMENT ACT OF 1996

• Mr. KEMPTHORNE. Mr. President, today, I am introducing legislation that would allow the Secretary of Defense to transfer 31 acres to the Arlington National Cemetery once he determines this property is no longer needed by the Department of Defense. This land is critical to the future tribute of our national heroes.

I believe all members of this body would agree that it is important to honor the men and women who have bravely fought to protect our liberty. Arlington National Cemetery has served the people proudly as one of the ways our Nation pays respect to our national heroes. Unfortunately, the space reserved for Arlington National Cemetery is limited. The additional property provided by this legislation would allow our Nation to honor our future champions of freedom for years to come.

I am proud to introduce this legislation which I encourage the U.S. Senate to overwhelmingly support. This legislation is not only a tribute to our fallen heroes but to the families and friends who have lost these valiant men and women.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arlington National Cemetery Enhancement Act of 1996''.

SEC. 2. REQUIREMENT FOR OFFER OF TRANSFER OF CERTAIN PROPERTY AT THE NAVY ANNEX, ARLINGTON, VIRGINIA.

(A) OFFER.—Upon the determination of the Secretary of Defense under subsection (b), the Secretary of Defense shall offer to transfer to the Secretary of the Army administrative jurisdiction over a parcel of real property consisting of approximately 31 acres located in Arlington, Virginia, and known as the Navy Annex/Federal Building Number 2. The Secretary of defense shall make the offer as soon as practicable after the date of the determination.

(b) DETERMINATION.—The Secretary of Defense shall make the offer required under subsection (a) upon a determination by the Secretary that the Department of Defense no longer requires the property referred to in that subsection for the purposes for which such property is used as of the date of the enactment of this Act.

(c) REQUIREMENTS RELATING TO TRANSFER.—(1)(A) If the Secretary of Defense transfers jurisdiction over the property referred to in subsection (a) pursuant to the offer under that subsection, the transfer shall be without reimbursement.

(B) The Secretary of the Army shall bear any costs associated with such transfer of property, including costs of a survey of the property and costs of compliance with environmental laws with respect to the property.

(2) The Secretary of the Army shall utilize the property as part of the Arlington National Cemetery, Virginia.•

By Mr. LOTT:

S. 2125. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary.

THE DRUG IMPORTER DEATH PENALTY ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the ''Drug Importer Death Penalty Act of 1996''.

SEC. 2. INCREASED PENALTIES FOR INTERNATIONAL DRUG TRAFFICKING.

Section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, the court shall sentence a person convicted of a violation of subsection (a), consisting of bringing into the United States a mixture or substance—

''(A) which is described in subsection (b)(1); and

''(B) in an amount the Attorney General by rule has determined is equal to 100 usual dosage amounts of such mixture or substance;

to imprisonment for life without possibility of release. If the defendant has violated this subsection on more than one occasion and

the requirements of chapter 228 of title 18, United States Code, are satisfied, the court shall sentence the defendant to death.

''(2) The maximum fine that otherwise may be imposed, but for this subsection, shall not be reduced by operation of this subsection.''

SEC. 3. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) INCLUSION OF OFFENSE.—Section 3591(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the comma at the end of paragraph (2) and inserting ''; or'' at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following:

''(3) an offense described in section 1010(e)(1) of the Controlled Substances Import and Export Act;''

(b) ADDITIONAL AGGRAVATING FACTOR.—Section 3592(d) of title 18, United States Code, is amended by inserting after paragraph (8) the following:

''(9) SECOND IMPORTATION OFFENSE.—The offense consisted of a second or subsequent violation of section 1010(a) of the Controlled Substances Import and Export Act consisting of bringing a controlled substance into the United States.''.

By Mr. KENNEDY:

S. 2127. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

THE STOP THE SWEATSHOPS ACT

Mr. KENNEDY. Madam President, today I am introducing the Stop the Sweatshops Act. This needed legislation attacks the exploitation of garment industry workers by unscrupulous clothing manufacturers. By making clothing manufacturers liable for sweatshop practices by contractors, the bill will require manufacturers to exert their considerable economic power to ensure fair treatment of garment workers.

Sweatshops continue to plague the garment industry. Of the 22,000 manufacturers of clothing and accessories in the United States, more than half are paying wages substantially below the minimum wage, and a third are exposing their workers to serious safety and health risks.

Sweatshops run by unscrupulous contractors have a long and sordid history in this country. In 1911, a tragic fire at the Triangle Shirtwaist Co. on Manhattan's Lower East Side killed 146 young immigrant women, who suffocated or burned to death because the exits had been locked or blocked.

Eighty-five years later, conditions too often have not improved. In August 1996, four Brooklyn garment factories were closed and their owners arrested for operating sweatshops. Among the fire code violations were locked exit doors, obstructed aisles, and violations of sprinkler system requirements. In addition, the contractors maintained two sets of accounting records, one showing that workers were being paid as little as $2.67 per hour—far less than the minimum wage. The workers, all Asian immigrants, were making clothes for K-Mart. A similar sweatshop scandal came to light last spring with respect to clothing made for Wal-Mart stores.

In August 1995, Federal investigators raided a sewing factory outside Los Angeles. In a compound surrounded by barbed wire, agents found dozens of Thai and Mexican immigrant women working 20-hour days for as little as $1 per hour. The women were held captive at their sewing tables by guards who threatened them if they tried to escape.

As these examples make clear, current law is not adequate to prevent such abuses. The 800 investigators of the Department of Labor who monitor compliance with wage and hour laws cannot do the job alone. Manufacturers have the economic muscle and market power to end these abuses. Instead, under the current system, the market power works in the wrong direction—it encourages contractors to inflict sweatshop conditions on employees, rather than pay fair wages and maintain proper working conditions.

Many law-abiding manufacturers already recognize the need to stamp out sweatshops in the United States. But voluntary codes of conduct and monitoring programs cannot eradicate the problem. K-Mart requires its garment contractors to identify all subcontractors they employ and make regular and surprise inspections of manufacturing operations. But this requirement did not prevent the fire code violations, wage violations, and other illegal practices of the contractors arrested in Brooklyn this summer.

The most effective way to enlist manufacturers in the battle against sweatshops is to make them liable along with their contractors for violations of the law. Manufacturers who know they will face liability will take the steps necessary to ensure that their contractors comply with applicable laws.

Our Stop the Sweatshops Act does just that. It amends the Fair Labor Standards Act to make manufacturers in the garment industry liable with contractors for violations of these laws.

Manufacturers will be liable for injunctive relief and civil penalties assessed against a contractor found to have broken the law. They will also be liable for back pay owed to employees for such violations. Manufacturers will be liable only for violations committed on work done for that manufacturer.

The bill also authorizes the Secretary of Labor to assess a civil penalty of up to $1,000 for each employee in cases where contractors fail to keep required payroll records. If the records are fraudulent, the Secretary can assess penalties up to $10,000 for the first offense and $15,000 for further offenses. These penalties will give employers an incentive to keep proper records, and will punish contractors who attempt to conceal their abuses by maintaining two sets of records.

The bill sends a clear message to garment industry employers. Exploitation of workers will not be tolerated. Sweatshops are unacceptable. We intend to do all we can to stamp them out, and this legislation will help us achieve that goal.

By Mr. AKAKA:

S. 2128. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PLANT PROTECTION ACT

• Mr. AKAKA. Mr. President, today I am introducing the Plant Protection Act, a comprehensive consolidation of Federal laws governing plant pests, noxious weeds, and the plant products that harbor pests and weeds.

Over the past century, numerous Federal laws have been enacted to address problems caused by plant pests and noxious weeds. While some of these laws are effective tools for protecting agriculture and the environment from these threats, others are in conflict or create enforcement ambiguities. The Nation's agricultural community, as well as private, State and Federal land managers, cannot afford the continuing uncertainty caused by Federal plant pest laws, some of which were enacted prior to World War I. Legislation to revise and consolidate Federal plant pest laws is urgently needed and long overdue.

Agriculture Secretary Dan Glickman recently characterized the problems created by hodgepodge of Federal plant protection laws when he Stated that ''in some instances, it is unclear which statutes should be relied upon for authority. It is difficult to explain to the public why some apparently similar situations have to be treated differently because different authorities are involved.''

A 1993 report issued by the Office of Technology Assessment reached the same conclusion. The OTA found that Federal and State statutes, regulations, and programs are not keeping pace with new and spreading alien pests.

The Plant Protection Act will correct many, but not all, of these problems. The bill I have introduced today will enhance the Federal Government's ability to combat plant pests and noxious weeds, and protect our farms, environment, and economy from the harm they cause.

Plant pests are a problem of monumental proportions. Some of the most damaging insects include the Mediterranean fruit fly, fire ant, and the gipsy moth. Disease pathogens include chestnut blight, which wiped out the most common tree of our Appalachian forests, the elm blight, which destroyed many splendid trees lining our city streets, and the white pine blister rust, which eliminated western white pine as a source of timber for several decades.

Alien weeds also cause havoc, and nowhere is this problem more apparent than in Hawaii. Because our climate is so accommodating, Hawaii is heaven-on-earth for weeds. Alien plants such as gorse, ivy gourd, miconia, and banana poka are ravaging our tropical and subtropical forests. Earlier this year, Hawaii's environment passed an unfortunate milestone: for the first time, foreign introduced plants outnumber Hawaii's diverse native species.

Hawaii is not alone in facing this problem. In fact, no State or region is immune to this threat.

Invasive foreign weeds do more than just compete with domestic species. They transform the landscape, change the rules by which native plants and animals live, and undermine the economic and environmental health of the areas they infest.

Alien weeds fuel grass and forest fires, promote soil erosion, and destroy critical water resources. They significantly increase the cost of farming and ranching. Noxious weeds destroy or alter natural habitat, damage waterways and power lines, and depress property values. Some are toxic to humans, livestock, and wildlife.

Alien weeds are biological pollution, pure and simple. The worldwide growth in trade and travel has caused an explosion in the number of foreign weeds that plague our Nation.

Just how big is this problem? Let me offer an example. Last year, on Federal lands alone, we lost 4,500 acres each day to noxious weeds. That's a million-and-a-half acres a year, or an area the size of Delaware. By comparison, forest fires—one of the most fearsome natural disasters—claimed only half as many Federal acres as weeds.

Noxious foreign weeds have been called a biological wildfire, and for good reason. Forests, national parks, recreation areas, urban landscapes, wilderness, grasslands, waterways, farm and range land across the Nation are overrun by noxious weeds.

The greatest economic impact of this problem is felt by farmers. The Office of Technology Assessment estimates that exotic weeds cost U.S. farmers $3.6 to $5.4 billion annually due to reduced yields, crops of poor quality, increased herbicide use, and other weed control costs. Noxious weeds are a significant drain on farm productivity.

Despite the magnitude of this problem, few people get alarmed about weeds. The issue certainly doesn't appear on the cover of Time or Newsweek. Perhaps if kudzu, a weed known as the ''vine that ate the South,'' attacked the Capitol dome, weeds would finally get the attention they deserve.

Several of these foreign weeds are truly the ''King Kong of plants.'' Some are 50 feet tall. Others have 4 inch thorns. Some have roots 25 feet deep, and others produce 20 million seeds each year.

My least-favorite weed is the tropical soda apple, a thorny plant with a sweet-sounding name. This import from Brazil has inch long spikes covering its stems and leaves. The only attractive thing about this plant is its small yellow and green fruit.

Tropical soda apple presents a particularly difficult control problem because the fruit is a favorite among cattle. They consume the apples and then pass the seeds in their manure where new weed infestations quickly sprout. As cattle are shipped from State to State with soda apple seeds in their stomachs you can easily see how the problem rapidly spreads. It's a weed control nightmare.

The saga of tropical soda apple prompted me to introduce S. 690, the Federal Noxious Weed Improvement Act in April 1995. S. 690 would grant the Secretary of Agriculture emergency powers to restrict the entry of a foreign weed until formal action can be taken to place it on the noxious weed list. This legislation would prevent future tropical soda apples from taking root.

I have incorporated the text of S. 690 into section 4 of the Plant Protection Act. Other provisions of the legislation I have introduced today are drawn from USDA recommendations for consolidating weed and plant pest authorities.

Because the U.S. Department of Agriculture's authority over plant pests and noxious weeds is dispersed throughout numerous statutes, Federal efforts to protect agriculture, forestry, and our environment are seriously hindered. To enable the Department to respond more efficiently to this challenge, I have introduced legislation to consolidate these authorities into a single statute. The text of this measure is drawn from draft recommendations prepared by USDA, although I have made some significant changes, particularly in the provisions relating to weeds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Plant Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, and retardation of the spread of plant pests and noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control—

(A) is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds; and

(B) should be facilitated by the Secretary of Agriculture, Federal agencies, and States, whenever feasible;

(3) markets could be severely impacted by the introduction or spread of pests or noxious weeds into or within the United States;

(4) the unregulated movement of plant pests, noxious weeds, plants, biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds would present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(5) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could threaten crops, other plants, plant products, and the natural resources and environment of the United States and burden interstate commerce or foreign commerce; and

(6) all plant pests, noxious weeds, plants, plant products, or articles capable of harboring plant pests or noxious weeds regulated under this Act are in or affect interstate commerce or foreign commerce.

SEC. 3. DEFINITIONS.

In this Act (unless the context otherwise requires):

(1) ARTICLE.—The term ''article'' means any material or tangible object that could harbor a pest, disease, or noxious weed.

(2) BIOLOGICAL CONTROL ORGANISM.—The term ''biological control organism'' means a biological entity, as defined by the Secretary, that suppresses or decreases the population of another biological entity.

(3) ENTER.—The term ''enter'' means to move into the commerce of the United States.

(4) ENTRY.—The term ''entry'' means the act of movement into the commerce of the United States.

(5) EXPORT.—The term ''export'' means to move from the United States to any place outside the United States.

(6) EXPORTATION.—The term ''exportation'' means the act of movement from the United States to any place outside the United States.

(7) IMPORT.—The term ''import'' means to move into the territorial limits of the United States.

(8) IMPORTATION.—The term ''importation'' means the act of movement into the territorial limits of the United States.

(9) INDIGENOUS.—The term ''indigenous'' means a plant species found naturally as part of a natural habitat in a geographic area in the United States.

(10) INTERSTATE.—The term ''interstate'' means from 1 State into or through any other State, or within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(11) INTERSTATE COMMERCE.—The term ''interstate commerce'' means trade, traffic, movement, or other commerce—

(A) between a place in a State and a point in another State;

(B) between points within the same State but through any place outside the State; or

(C) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(12) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property or means used for or intended for use for the movement of any other personal property.

(13) MOVE.—The term ''move'' means to—

(A) carry, enter, import, mail, ship, or transport;

(B) aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) offer to carry, enter, import, mail, ship, or transport;

(D) receive to carry, enter, import, mail, ship, or transport; or

(E) allow any of the activities referred to this paragraph.

(14) NOXIOUS WEED.—The term ''noxious weed'' means a plant, seed, reproductive part, or propagative part of a plant that—

(A) can directly or indirectly injure or cause damage to a crop, other useful plant, plant product, livestock, poultry, or other interest of agriculture (including irrigation), navigation, public health, or natural resources or environment of the United States; and

(B) belongs to a species that is not indigenous to the geographic area or ecosystem in which it is causing injury or damage.

(15) PERMIT.—The term ''permit'' means a written or oral authorization (including electronic authorization) by the Secretary to move a plant, plant product, biological control organism, plant pest, noxious weed, or article under conditions prescribed by the Secretary.

(16) PERSON.—The term ''person'' means an individual, partnership, corporation, association, joint venture, or other legal entity.

(17) PLANT.—The term ''plant'' means a plant or plant part for or capable of propagation, including a tree, shrub, vine, bulb, root, pollen, seed, tissue culture, plantlet culture, cutting, graft, scion, and bud.

(18) PLANT PEST.—The term ''plant pest'' means—

(A) a living stage of a protozoan, animal, bacteria, fungus, virus, viroid, infection agent, or parasitic plant that can directly or indirectly injure or cause damage to, or cause disease in, a plant or plant product; or

(B) an article that is similar to or allied with an article referred to in subparagraph (A).

(19) PLANT PRODUCT.—The term ''plant product'' means a flower, fruit, vegetable, root, bulb, seed, or other plant part that is not considered a plant or a manufactured or processed plant or plant part.

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(21) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(22) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 4. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) IN GENERAL.—The Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the interstate dissemination of a plant pest or noxious weed.

(b) MAIL.—

(1) IN GENERAL.—No person shall convey in the mail, or deliver from a post office or by a mail carrier, a letter or package containing a plant pest, biological control organism, or noxious weed unless it is mailed in accordance with such regulations as the Secretary may issue to prevent the introduction into the United States, or interstate dissemination, of plant pests or noxious weeds.

(2) POSTAL EMPLOYEES.—This subsection shall not apply to an employee of the United States in the performance of the duties of the employee in handling the mail.

(3) POSTAL LAWS AND REGULATIONS.—Nothing in this subsection authorizes a person to open a mailed letter or other mailed sealed matter except in accordance with the postal laws and regulations.

(c) STATE RESTRICTIONS ON NOXIOUS WEEDS.—No person shall move into a State, or sell or offer for sale in the State, a plant species the sale of which is prohibited by the State because the plant species is designated as a noxious weed or has a similar designation.

(d) ADMINISTRATION.—The Secretary may issue regulations to carry out this section, including regulations requiring that a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance imported, entered, to be exported, or moved in interstate commerce—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, or movement in interstate commerce;

(2) be accompanied by a certificate of inspection issued in a manner and form required by the Secretary or by an appropriate official of the country or State from which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is to be moved;

(3) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests; and

(4) in the case of a plant or biological control organism, be grown or handled under post-entry quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the plant or biological control organism may be infested with a plant pest or noxious weed, or may be a plant pest or noxious weed.

(e) LIST OF RESTRICTED NOXIOUS WEEDS.—

(1) PUBLICATION.—The Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States.

(2) PETITIONS TO ADD OR REMOVE PLANT SPECIES.—

(A) IN GENERAL.—A person may petition the Secretary to add or remove a plant species from the list required under paragraph (1).

(B) ACTION ON PETITION.—The Secretary shall—

(i) act on a petition not later than 1 year after receipt of the petition by the Secretary; and

(ii) notify the petitioner of the final action the Secretary takes on the petition.

(C) BASIS FOR DETERMINATION.—The Secretary's determination on the petition shall be based on sound science, available data and technology, and information received from public comment.

(D) INCLUSION ON LIST.—To include a plant species on the list, the Secretary must determine that—

(i) the plant species is nonindigenous to the geographic region or ecosystem in which the species is spreading and causing injury; and

(ii) the dissemination of the plant in the United States may reasonably be expected to interfere with natural resources, agriculture, forestry, or a native ecosystem of a geographic region, or management of an ecosystem, or cause injury to the public health.

(f) CONFORMING AMENDMENTS.—

(1) Section 102 of the Act of September 21, 1944 (58 Stat. 735, chapter 412; 7 U.S.C. 147a) is amended by striking ''(a)'' in subsection (a) and all that follows through ''(2)'' in subsection (f)(2).

(2) The matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(A) in the second paragraph—

(i) by striking ''plants and plant products'' each place it appears and inserting ''plants, plant products, animals, and other organisms'';

(ii) by striking ''plants or plant products'' each place it appears and inserting ''plants, plant products, animals, or other organisms'';

(iii) by striking ''plant-quarantine law or plant-quarantine regulation'' each place it appears and inserting ''plant-quarantine or other law or plant-quarantine regulation'';

(iv) in the second sentence—

(I) by striking ''Upon his approval of said list, in whole or in part, the Secretary of Agriculture'' and inserting ''On the receipt of the list by the Secretary of Agriculture, the Secretary''; and

(II) by striking ''said approved lists'' and inserting ''the lists'';

(v) by inserting after the second sentence the following: ''On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph.''; and

(vi) in the last sentence, by striking ''be forward'' and inserting ''be forwarded''; and

(B) in the third paragraph, by striking ''plant or plant product'' and inserting ''plant, plant product, animal, or other organism''.

SEC. 5. NOTIFICATION OF ARRIVAL AND INSPECTION BEFORE MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) NOTIFICATION AND HOLDING BY SECRETARY OF THE TREASURY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Treasury shall—

(A) promptly notify the Secretary of the arrival of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance at a port of entry; and

(B) hold the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance until inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary.

(2) APPLICATION.—Paragraph (1) shall not apply to a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is imported from a country or region of countries that the Secretary designates as exempt from paragraph (1), pursuant to such regulations as the Secretary may issue.

(b) NOTIFICATION BY RESPONSIBLE PERSON.—The person responsible for a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to subsection (a) shall promptly, on arrival at the port of entry and before the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is moved from the port of entry, notify the Secretary or, at the Secretary's direction, the proper official of the State to which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is destined, or both, as the Secretary may prescribe, of—

(1) the name and address of the consignee;

(2) the nature and quantity of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance proposed to be moved; and

(3) the country and locality where the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance was grown, produced, or located.

(c) NO MOVEMENT WITHOUT INSPECTION AND AUTHORIZATION.—No person shall move from the port of entry or interstate an imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance unless the imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance has been inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary.

SEC. 6. REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS; EXTRAORDINARY EMERGENCY.

(a) REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS.—

(1) IN GENERAL.—Except as provided in subsection (c), if the Secretary considers it necessary to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States, the Secretary may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of—

(A) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate and that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(B) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has moved into the United States or interstate and that the Secretary has reason to believe was infested with the plant pest or noxious weed at the time of the movement;

(C) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act;

(D) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has not been maintained in compliance with a post-entry quarantine requirement;

(E) a progeny of a plant, plant product, biological control organism, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act; or

(F) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is infested with a plant pest or noxious weed that the Secretary has reason to believe was moved into the United States or in interstate commerce.

(2) ORDERING TREATMENT OR DISPOSAL BY THE OWNER.—Except as provided in subsection (c), the Secretary may order the owner of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to disposal under paragraph (1), or the owner's agent, to treat, apply other remedial measures to, destroy, or otherwise dispose of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance, without cost to the Federal Government and in a manner the Secretary considers appropriate.

(3) CLASSIFICATION SYSTEM FOR NOXIOUS WEEDS.—

(A) IN GENERAL.—To facilitate control of noxious weeds, the Secretary shall develop a classification system to describe the status and action levels for noxious weeds.

(B) CATEGORIES.—The classification system shall differentiate between—

(i) noxious weeds that are not known to be introduced into the United States;

(ii) noxious weeds that are not known to be widely disseminated within the United States;

(iii) noxious weeds that are widely distributed within the United States; and

(iv) noxious weeds that are not indigenous, including native plant species that are invasive in limited geographic areas within the United States.

(C) OTHER CATEGORIES.—In addition to the categories required under subparagraph (B), the Secretary may establish other categories of noxious weeds for the system.

(D) VARYING LEVELS OF REGULATION AND CONTROL.—The Secretary shall develop varying levels of regulation and control appropriate to each of the categories of the system.

(E) APPLICATION OF REGULATIONS.—The regulations issued to carry out this paragraph shall apply, as the Secretary considers appropriate, to—

(i) exclude a noxious weed;

(ii) prevent further dissemination of a noxious weed through movement or commerce;

(iii) establish mandatory controls for a noxious weed; or

(iv) designate a noxious weed as warranting control efforts.

(F) REVISIONS.—The Secretary shall revise the classification system, and the placement of individual noxious weeds within the system, in response to changing circumstances.

(G) INTEGRATED MANAGEMENT PLANS.—In conjunction with the classification system, the Secretary may develop an integrated management plan for a noxious weed for the geographic region or ecological range of the United States where the noxious weed is found or to which the noxious weed may spread.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States and that the presence of the plant pest or noxious weed threatens a crop, other plant, plant product, or the natural resources or environment of the United States, the Secretary may—

(A) hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(B) quarantine, treat, or apply other remedial measures to a premises, including a plant, plant product, biological control organism, article, or means of conveyance on the premises, that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(C) quarantine a State or portion of a State in which the Secretary finds the plant pest or noxious weed, or a plant, plant product, biological control organism, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed; or

(D) prohibit or restrict the movement within a State of a plant, plant product, biological control organism, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(2) REQUIREMENTS FOR ACTION.—

(A) INADEQUATE STATE MEASURES.—After review and consultation with the Governor or other appropriate official of the State, the Secretary may take action under this subsection only on a finding that the measures being taken by the State are inadequate to eradicate the plant pest or noxious weed.

(B) NOTICE TO STATE AND PUBLIC.—Before taking any action in a State under this subsection, the Secretary shall—

(i) notify the Governor or another appropriate official of the State;

(ii) issue a public announcement; and

(iii) except as provided in subparagraph (C), publish in the Federal Register a statement of—

(I) the Secretary's findings;

(II) the action the Secretary intends to take;

(III) the reason for the intended action; and

(IV) if practicable, an estimate of the anticipated duration of the extraordinary emergency.

(C) NOTICE AFTER ACTION.—If it is not possible to publish a statement in the Federal Register under subparagraph (B) prior to taking an action under this subsection, the Secretary shall publish the statement in the Federal Register within a reasonable period of time, not to exceed 10 business days, after commencement of the action.

(3) COMPENSATION.—

(A) IN GENERAL.—The Secretary may pay compensation to a person for economic losses incurred by the person as a result of action taken by the Secretary under paragraph (1).

(B) FINAL DETERMINATION.—The determination by the Secretary of the amount of any compensation paid under this subsection shall be final and shall not be subject to judicial review.

(c) LEAST DRASTIC ACTION TO PREVENT DISSEMINATION.—No plant, plant product, biological control organism, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible, and that would be adequate, to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

(d) COMPENSATION OF OWNER FOR UNAUTHORIZED DISPOSAL.—

(1) IN GENERAL.—The owner of a plant, plant product, biological control organism, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under this section may bring an action against the United States in the United States District Court of the District of Columbia, not later than 1 year after the destruction or disposal, and recover just compensation for the destruction or disposal of the plant, plant product, biological control organism, article, or means of conveyance (not including compensation for loss due to delays incident to determining eligibility for importation, entry, exportation, movement in interstate commerce, or release into the environment) if the owner establishes that the destruction or disposal was not authorized under this Act.

(2) SOURCE FOR PAYMENTS.—A judgment rendered in favor of the owner shall be paid out of the money in the Treasury appropriated for plant pest control activities of the Department of Agriculture.

SEC. 7. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) IN GENERAL.—Consistent with guidelines approved by the Attorney General, the Secretary may—

(1) stop and inspect, without a warrant, a person or means of conveyance moving into the United States to determine whether the person or means of conveyance is carrying a plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act;

(2) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce on probable cause to believe that the person or means of conveyance is carrying a plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act;

(3) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce from or within a State, portion of a State, or premises quarantined under section 6(b) on probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act; and

(4) enter, with a warrant, a premises in the United States for the purpose of making inspections and seizures under this Act.

(b) WARRANTS.—

(1) IN GENERAL.—A United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge's or magistrate's jurisdiction, on proper oath or affirmation showing probable cause to believe that there is on certain premises a plant, plant product, biological control organism, article, facility, or means of conveyance regulated under this Act, issue a warrant for entry on the premises to make an inspection or seizure under this Act.

(2) EXECUTION.—The warrant may be executed by the Secretary or a United States Marshal.

SEC. 8. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with—

(1) other Federal agencies;

(2) States or political subdivisions of States;

(3) national, State, or local associations;

(4) national governments;

(5) local governments of other nations;

(6) international organizations;

(7) international associations; and

(8) other persons.

(b) RESPONSIBILITY.—The individual or entity cooperating with the Secretary shall be responsible for conducting the operations or taking measures on all land and property within the foreign country or State, other than land and property owned or controlled by the United States, and for other facilities and means determined by the Secretary.

(c) TRANSFER OF BIOLOGICAL CONTROL METHODS.—At the request of a Federal or State land management agency, the Secretary may transfer to the agency biological control methods utilizing biological control organisms against plant pests or noxious weeds.

(d) IMPROVEMENT OF PLANTS, PLANT PRODUCTS, AND BIOLOGICAL CONTROL ORGANISMS.—The Secretary may cooperate with State authorities in the administration of regulations for the improvement of plants, plant products, and biological control organisms.

SEC. 9. PHYTOSANITARY CERTIFICATE FOR EXPORTS.

The Secretary may certify a plant, plant product, or biological control organism as free from plant pests and noxious weeds, and exposure to plant pests and noxious weeds, according to the phytosanitary requirements of the country to which the plant, plant product, or biological control organism may be exported.

SEC. 10. ADMINISTRATION.

(a) IN GENERAL.—The Secretary may acquire and maintain such real or personal property, employ such persons, make such grants, and enter into such contracts, cooperative agreements, memoranda of understanding, or other agreements as are necessary to carry out this Act.

(b) PERSONNEL OF USER FEE SERVICES.—Notwithstanding any other law, the Secretary shall provide adequate personnel for services provided under this Act that are funded by user fees.

(c) TORT CLAIMS.—

(1) IN GENERAL.—The Secretary may pay a tort claim (in the manner authorized in the first paragraph of section 2672 of title 28, United States Code) if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) TIME LIMITATION.—A claim may not be allowed under paragraph (1) unless the claim is presented in writing to the Secretary not later than 2 years after the claim accrues.

SEC. 11. REIMBURSABLE AGREEMENTS.

(a) PRECLEARANCE.—

(1) IN GENERAL.—The Secretary may enter into a reimbursable fee agreement with a person for preclearance (at a location outside the United States) of plants, plant products, and articles for movement into the United States.

(2) ACCOUNT.—All funds collected under this subsection shall be credited to an account that may be established by the Secretary and remain available until expended without fiscal year limitation.

(b) OVERTIME.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by the employee, at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT OF SECRETARY.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any funds paid by the Secretary for the services.

(3) ACCOUNT.—All funds collected under this subsection shall be credited to the account that incurs the costs and remain available until expended without fiscal year limitation.

(c) LATE PAYMENT PENALTY AND INTEREST.—

(1) PENALTY.—On failure of a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person.

(2) INTEREST.—Overdue funds due the Secretary under this section shall accrue interest in accordance with section 3717 of title 31, United States Code.

(3) ACCOUNT.—A late payment penalty and accrued interest shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

SEC. 12. VIOLATIONS; PENALTIES.

(a) CRIMINAL PENALTIES.—A person who knowingly violates this Act, or who knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—A person who violates this Act, or who forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(2) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order that is reviewable under chapter 158 of title 28, United States Code.

(3) VALIDITY OF ORDER.—The validity of an order of the Secretary may not be reviewed in an action to collect the civil penalty.

(4) INTEREST.—A civil penalty not paid in full when due under an order assessing the civil penalty shall (after the due date) accrue interest until paid at the rate of interest applicable to a civil judgment of a court of the United States.

(c) PECUNIARY GAINS OR LOSSES.—If a person derives pecuniary gain from an offense described in subsection (a) or (b), or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than an amount that is the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the imposition of a fine or sentence under subsection (a) or (b).

(d) AGENTS.—For purposes of this Act, the act, omission, or failure of an officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the other person shall be considered also to be the act, omission, or failure of the other person.

(e) CIVIL PENALTIES OR NOTICE IN LIEU OF PROSECUTION.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 13. ENFORCEMENT.

(a) INVESTIGATIONS, EVIDENCE, AND SUBPOENAS.—

(1) INVESTIGATIONS.—The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this Act.

(2) EVIDENCE.—The Secretary shall at all reasonable times have the right to examine and copy any documentary evidence of a person being investigated or proceeded against.

(3) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to require by subpoena the attendance and testimony of any witness and the production of all documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION.—The attendance of a witness and production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(C) NONCOMPLIANCE WITH SUBPOENA.—If a person disobeys a subpoena, the Secretary may request the Attorney General to invoke the aid of a court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated to require the attendance and testimony of a witness and the production of documentary evidence.

(D) ORDER.—If a person disobeys a subpoena, the court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(E) NONCOMPLIANCE WITH ORDER.—A failure to obey the court's order may be punished by the court as a contempt of the court.

(F) FEES AND MILEAGE.—

(i) IN GENERAL.—A witness summoned by the Secretary shall be paid the same fees and reimbursement for mileage that is paid to a witness in the courts of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(b) ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, a criminal violation of this Act that is referred to the Attorney General by the Secretary or is brought to the notice of the Attorney General by a person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by a person with the Secretary in carrying out this Act, if the Secretary has reason to believe that the person has violated or is about to violate this Act, or has interfered, or is about to interfere, with the Secretary; and

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) JURISDICTION.—

(1) IN GENERAL.—Except as provided in section 12(b), a United States district court, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions shall have jurisdiction over all cases arising under this Act.

(2) VENUE.—Except as provided in subsection (b), an action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) SUBPOENAS.—A subpoena for a witness to attend court in a judicial district or to testify or produce evidence at an administrative hearing in a judicial district in an action or proceeding arising under this Act may apply to any other judicial district.

SEC. 14. PREEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), no State or political subdivision of a State may regulate any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in foreign commerce to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

(b) STATE NOXIOUS WEED LAWS.—This Act shall not invalidate the law of any State or political subdivision of a State relating to noxious weeds, except that a State or political subdivision of a State may not permit any action that is prohibited under this Act.

SEC. 15. REGULATIONS AND ORDERS.

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this Act, including (at the option of the Secretary) regulations and orders relating to—

(1) notification of arrival of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(2) prohibition or restriction of or on the importation, entry, exportation, or movement in interstate commerce of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(3) holding, seizure of, quarantine of, treatment of, application of remedial measures to, destruction of, or disposal of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, premises, or means of conveyance;

(4) in the case of an extraordinary emergency, prohibition or restriction on the movement of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(5) payment of compensation;

(6) cooperation with other Federal agencies, States, political subdivisions of States, national governments, local governments of other countries, international organizations, international associations, and other persons, entities, and individuals;

(7) transfer of biological control methods for plant pests or noxious weeds;

(8) negotiation and execution of agreements;

(9) acquisition and maintenance of real and personal property;

(10) issuance of letters of warning;

(11) compilation of information;

(12) conduct of investigations;

(13) transfer of funds for emergencies;

(14) approval of facilities and means of conveyance;

(15) denial of approval of facilities and means of conveyance;

(16) suspension and revocation of approval of facilities and means of conveyance;

(17) inspection, testing, and certification;

(18) cleaning and disinfection;

(19) designation of ports of entry;

(20) imposition and collection of fees, penalties, and interest;

(21) recordkeeping, marking, and identification;

(22) issuance of permits and phytosanitary certificates;

(23) establishment of quarantines, post-importation conditions, and post-entry quarantine conditions;

(24) establishment of conditions for transit movement through the United States; and

(25) treatment of land for the prevention, suppression, or control of plant pests or noxious weeds.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS; TRANSFERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(2) INDEMNITIES.—Except as specifically authorized by law, no part of the money made available under paragraph (1) shall be used to pay an indemnity for property injured or destroyed by or at the direction of the Secretary.

(b) TRANSFERS.—

(1) IN GENERAL.—In connection with an emergency in which a plant pest or noxious weeds threatens any segment of the agricultural production of the United States, the Secretary may transfer (from other appropriations or funds available to an agency or corporation of the Department of Agriculture) such funds as the Secretary considers necessary for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available to carry out paragraph (1) without fiscal year limitation.

SEC. 17. REPEALS.

The following provisions of law are repealed:

(1) Public Law 97–46 (7 U.S.C. 147b).

(2) The Joint Resolution of April 6, 1937 (50 Stat. 57, chapter 69; 7 U.S.C. 148 et seq.).

(3) Section 1773 of the Food Security Act of 1985 (7 U.S.C. 148f).

(4) The Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149).

(5) The Golden Nematode Act (7 U.S.C. 150 et seq.).

(6) The Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

(7) The Act of August 20, 1912 (commonly known as the ''Plant Quarantine Act'') (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.).

(8) The Halogeton Glomeratus Control Act (7 U.S.C. 1651 et seq.).

(9) The Act of August 28, 1950 (64 Stat. 561, chapter 815; 7 U.S.C. 2260).

(10) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), other than the first section of the Act (Public Law 93–629; 7 U.S.C. 2801 note) and section 15 of the Act (7 U.S.C. 2814).

By Mr. INHOFE:

S. 2129. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

FAA EMERGENCY REVOCATION POWERS

Mr. INHOFE. For several months now, I have been working with representatives of the aviation community, with which I have been a part for just under 40 years, on legislation which will address the problem with the Federal Aviation Administration's use of their emergency revocation powers. In a revocation action, brought on an emergency basis, the airman or other certificate holder loses the use of the certificate immediately without any intermediary review or by any kind of an impartial party. The result is that the airman is grounded. In most cases, that is an airman who worked for some airline, and that is his or her only method of making a living.

Simply put, I believe the FAA unfairly uses this emergency power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach where safety is not an issue would be to adjudicate the revocation on a nonemergency basis, allowing the certificate holder continued use of his certificate.

Do not misunderstand: In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that the FAA have the ability to ground unsafe airmen. However, I also believe that the FAA must be judicious in its use of the extraordinary power. A review of recent emergency cases clearly demonstrates a pattern whereby the FAA uses their emergency powers as standard procedure rather than extraordinary measures. Perhaps the most visible case has been that of Bob Hoover.

Now, Mr. President, I have flown in a lot of air shows over the last 40 years, and I can tell you right now the one person that you ask anyone who has a background like mine, ''Who is the hero within the industry,'' it has been Hoover. He is getting up in years but is

as sharp as he ever was. Something happened to him. He is probably the most highly regarded and accomplished aerobatic pilot today. In 1992, his medical certificate was revoked based on alleged questions regarding his physical condition. After getting a clean bill of health from four separate sets of doctors over the continuing objections of the Federal air surgeon, who never examined Bob personally, his medical certificate was reinstated only after the Administrator, David Hinson, intervened.

I say at this point, I have been a strong supporter of Administrator David Hinson. I have often said that he is probably the very best appointment that President Clinton has made since he has been President. I also say there is not a lot of competition for that title.

He already has more serious problems coming. His current medical certificate expires this coming Monday, September 30, 1996. Unlike most airmen, like myself, when mine expires I go down, take a physical that lasts approximately 30 minutes, and it is reinstated at that time, something that happens every 12 months.

Bob Hoover's experience is one of many. I have several other examples of pilots who had licenses revoked on an emergency basis, such as Ted Stewart, who has been an American Airlines pilot—who I know personally—has been an American Airlines pilot for 12 years and is presently a Boeing 767 captain. Until January 1995, Mr. Stewart had no complaints registered against him or his flying. In January 1995, the FAA suspended Mr. Stewart's examining authority as part of a larger FAA effort to respond to a problem of falsifying records.

Now, there was never any indication that Mr. Stewart was involved in that, but, nonetheless, that was part of the investigation. He was exonerated by the full NTSB, National Transportation Safety Board, in July 1995. In June 1996, he received a second revocation. One of the charges in the second revocation involved falsification of records for a flight instructor certificate with a multiengined rating and his air transport pilot, ATP, certificate dating back to 1979.

Like most, I have questioned how an alleged 17½-year-old violation could constitute an emergency, especially since he has not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found in favor of Mr. Stewart.

A couple of comments in Mr. Stewart's decision bear closer examination. First, the board notes that ''the Administrator's loss in the earlier case appears to have prompted further investigation of the respondent * * *'' I found this rather troubling, that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart, which is further emphasized with the footnote in which the board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding, without prior notice and hearing, constitutes an abuse and unprincipled discharge of an extraordinary power.

Mr. President, I obviously cannot read the minds of the NTSB, but I believe a reasonable person would conclude from these comments that the board believes, as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that, since 1989, emergency cases as a total of all enforcement actions heard by the NTSB have more than doubled. In 1989, the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases, or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, and of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

In response, I am proposing legislation which would establish a procedure whereby the FAA must show just cause for bringing an emergency revocation action against an airman.

Not surprisingly, Mr. President, the FAA opposes this language. But they also oppose the changes to the civil penalties program where they served as judge, jury, and executioner in civil penalty actions against airmen. Fortunately, we were able to change that just a couple of years ago so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

My proposal allows an airman, within 48 hours of receiving an emergency revocation order, to request a hearing before the NTSB on the emergency nature of the revocation—not whether or not the revocation was justified, but the emergency nature of the revocation. The NTSB then has 48 hours to hear the arguments and decide if a true emergency exists. During this time, the emergency revocation remains in effect. In other words, the airman loses use of his certificate for 4 days. However, should the NTSB decide an emergency does not exist, then the certificate would be returned to the airman and he could continue to use it while the FAA pursued their revocation case against him in a normal manner. If the NTSB decides that an emergency does exist, then the emergency revocation remains in effect and the airman cannot use his certificate until the case is adjudicated.

This bill is supported by virtually all of the major aviation groups, such as the Air Transport Association, the Allied Pilots Association, the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the NTSB Bar Association, and many others.

My intention in introducing this bill today is to get it out so that interested groups can look at it and work with me to make changes, if that is necessary. I am pleased that Senator MCCAIN, who is the chairman of the Aviation Subcommittee of Commerce, has agreed to hold a hearing on this in the 105th Congress. In the intervening time, I will be working to make sure this issue is fully vetted, and it is my hope that we will be able to address this issue very early in the 105th Congress.

By Mr. MOYNIHAN:

S. 2131. A bill to establish a bipartisan national commission on the year 2000 computer problem; to the Committee on Commerce, Science, and Transportation.

THE YEAR 2000 COMPUTER PROBLEM NATIONS COMMISSION ESTABLISHMENT ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise today to offer my last in a series of warnings to the 104th Congress. I warn of a problem which may have extreme negative economic and national security consequences in the year 2000 and beyond. It is the problem of the Year 2000 Time Bomb, which has to do with the transition of computer programs from the 20th to the 21st century. Throughout history, much forewarning of the millennium has been foolishly apocalyptic, but this problem is not trifling.

Simply put, many computer programs will read January 1, 2000 as January 1, 1900. Outwardly innocuous, the need to reprogram computers' internal clocks will not only cost billions, but if left undone—or not done in time—all levels of government, the business community, the medical community, and the defense establishment could face a maelstrom of adverse effects. Widespread miscalculation of taxes by the Internal Revenue Service; the possible failure of some Defense Department weapons systems; the possibility of misdiagnosis or improper medical treatment due to errors in medical records; and the possibility of widespread disruption of business operations due to errors in business records.

Mr. Lanny J. Davis, in his thoughtful analysis of the dilemma presented in an article in the Washington Post of September, 15, 1996, cited one industry expert who called the Y2K defect—as the computer literate call it—''the most devastating virus to ever infect the world's business and information technology systems.'' Mr. Davis also tabulated the cost: ''Current estimates for business and government range from $50 billion to $75 billion—and will only increase as 2000 draws closer.''

Moreover, it seems the problem is not limited to main frame computers

as once was thought. In an article entitled ''Even Some New Software Won't Work in 2000,'' the Wall Street Journal reported on Wednesday, September 18, 1996, that owners of personal computers will be affected as well. Mr. Lee Gomes wrote: ''In fact, tens of millions of PC owners will be affected. Current or very recent versions of such best sellers as Quicken, FileMaker Pro and at least one brand-new program from Microsoft will stumble at the approach of Jan. 1, 2000. There will be hardware hiccups, too. Many PC owners will have to take extra steps to teach their systems about the new millennium.''

Early in 1996, John Westergaard first informed me of this impending problem. I asked the Congressional Research Service to assess its extent. In July, CRS reported back and substantiated the doomsayers' worst fears. I immediately wrote to the President, alerted him to the problem and suggested that a presidential aide—a general perhaps—be appointed to take responsibility for assuring that all Federal agencies and Government contractors be Y2K date-compliant by January 1, 1999. No word back yet.

Over the past few weeks I have periodically updated my colleagues in the Senate as to the nature of this problem, the possible costs of the problem, and advances in thinking about the problem. The business community has begun to stir, but it seems all is quiet here in the Nation's capital, or nearly quiet.

Today, I am introducing a bill to establish a nonpartisan commission on the year 2000 computer problem. It will be composed of 15 members—five selected by the President; 5, the President pro tempore of the Senate, and 5, the Speaker of the House of Representatives—in consultation with the minority leaders respectively. The commission will study the problem, analyze its costs, and provide immediate recommendations and requirements for the Secretary of Defense, the President, and Congress. Because of the urgency of this problem, the commission will complete its study and make its report to the President by December 31, 1997. The onus is now on us to see this bill passed.

I urge my colleagues to recognize this problem, and help establish this Commission. As Mr. Davis warned, we have begun a ''Countdown to a Meltdown.'' The longer we delay, the more costly the solution and the more dire the consequences. The computer has been a blessing; if we do not act in a timely fashion, however, it could become the curse of the age.

I ask unanimous consent that the Wall Street Journal article of Wednesday, September 18, 1996, entitled ''Even Some New Software Won't Work in 2000,'' by Lee Gomes, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 18, 1996]

EVEN SOME NEW SOFTWARE WON'T WORK IN 2000

(By Lee Gomes)

In his syndicated newspaper column this past July, Microsoft Corp. Chairman Bill Gates answered an anxious reader's question about whether PC owners have to worry about the ''Year 2000 problem,'' which is now roiling the world of corporate mainframes.

''Most PC users won't be affected,'' wrote Mr. Gates. ''There shouldn't be much of an issue with up-to-date software. Microsoft software, for instance, won't cause problems.''

The reply may have been reassuring, but it was also wrong. In fact, tens of millions of PC owners will be affected. Current or very recent versions of such best-sellers as Quicken, File Maker Pro and at least one brand-new program from Microsoft will stumble at the approach of Jan. 1, 2000. There will be hardware hiccups, too. Many PC owners will have to take extra steps to teach their systems about the new millennium.

The date rollover will trip up computers because programmers have tended to use only two-digit numbers to represent years—''96'' instead of ''1996''—assuming that all dates would be in the 20th century.

As a result, 40 months from now, unfixed computers will calculate, for example, that ''00'' is ''1900,'' and thus an earlier date than ''99,'' and decline to perform certain functions.

The good news is that fixing any Year 2000 problems on PCs will seem like a picnic compared with the data-processing nightmare now occurring in the corporate world. For PC owners, a few simple steps will usually take care of things—assuming users can identify the problem.

But, as Mr. Gates's two-month-old column suggests, the fact that the Year 2000 is a PC issue at all will come as a surprise to many, including some in the industry. At Microsoft, the company has realized only in the past few weeks that some of its own software is not ''Year 2000 compliant.'' Many other software companies, when first asked, said they had no Year 2000 difficulties, only to call back a few days later to report that they had found some after all.

Unlike mainframe makers, though, PC companies don't have much excuse for having problems. Mainframe programmers took short cuts during the '60s and '70s because computer memory was then a precious commodity. But some PC programmers followed that lead, even after memory was no longer in short supply and the new millennium was much closer. The moral: Even in an industry whose leaders often portray themselves as social and technical visionaries, companies can suffer from old-fashioned shortsightedness.

So what exactly is the problem? Many PC software programs allow users to enter years using either a four-digit or two-digit format that can lead some PC programs astray. Intuit Inc.'s Quicken financial program, for example, lets people schedule future electronic payments up to a year in advance. Come late 1999, a user trying to set up a payment for ''01/10/00'' will get a message saying, in effect, that it's too late to make a payment for 1900. To schedule the payment, users will have to know enough to type ''01/10/2000'' or use a special Quicken shortcut.

The fall release of Quicken will fix the problem, says Roy Rosin, the Quicken for Windows product manager at Intuit. The company didn't fix it before because ''it just wasn't on the radar screen.'' The new Quicken, he adds, will assume that any two-digit date occurs between 1950 and 2027; a four-digit year date can still specify a date outside that period. The approach is a common one for Year 2000 compliant software.

Microsfot's problem arises with Access 95, the database program that was shipped last August with Windows 95. Like Quicken, Access 95 doesn't properly handle two-digit dates after ''99,'' says Douglas S. Dedo, who is handling most Year 2000 questions for Microsoft.

Doesn't that show a lack of foresight by Microsoft programmers? ''I couldn't agree with you more,'' replies Mr. Dedo. He says the omission will be corrected in the next version of the product, to be released next year. As with Quicken, Access 95 users can work around the problem by using a four-digit date.

Microsfot's operating systems, by themselves, don't have a Year 2000 problem, says Mr. Dedo, and neither do such major company products as the Excel spreadsheet program.

There is, though, an annoying problem with the basic date-keeping portion of a PC's hardware, called the CMOS, says Tom Becker of Air System Technologies Inc. in Miami. In this case, the blame belongs to International Business Machines Corp. and the basic PC design it set down in the mid-1980s. It turns out, Mr. Becker says, that the CMOS is something of a dolt in keeping track of centuries. As a result, many PC owners will need to manually reset the date to the Year 2000 the first time they use their machines in the 21st century.

Mr. Dedo says that Microsoft's newer operating systems, Windows 95 and Windows NT, will fix hardware date glitches automatically. He adds that the company is also working on fixer programs that will do the same for older DOS and Windows 3.1-based machines.

Year 2000 difficulties will probably occur mainly on the IBM compatible side of the house. Apple Computer Inc.'s Macintosh computer has no such problems, says an Apple spokesman.

But some recent Apple programs do, including both the Mac and Windows versions of FileMaker Pro, a popular database project that the Apple-owned Claris Corp. shipped until last December. For forthcoming versions, says Claris's Christopher Crim, the company took pains to make sure all dates were converted from two to four digits before being stored. ''We've learned our lesson,'' Mr. Crim says.

ADDITIONAL COSPONSORS

S. 1044

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1044, a bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1965

At the request of Mr. HATCH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

S. 2030

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

S. 2034

At the request of Mr. BREAUX, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 2034, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program.

S. 2047

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2047, a bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans.

S. 2057

At the request of Mr. WARNER, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2057, a bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs guarantee loans with adjustable rate mortgages.

S. 2101

At the request of Mr. KERRY, his name was added as a cosponsor of S. 2101, a bill to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

SENATE RESOLUTION 285

At the request of Mr. ROTH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of Senate Resolution 285, a resolution expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia.

AMENDMENTS SUBMITTED

CONTINUING APPROPRIATIONS JOINT RESOLUTION

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 5402

Mr. FAIRCLOTH (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, and Mr. ABRAHAM) proposed an amendment to the joint resolution (S.J. Res. 63) making continuing appropriations for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place, insert the following new section:

EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES

SEC. . (a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H–IA VISA.—

(1) Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a);

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(A) of the Immigration and Nationality Act or to authorize the reentry of any person outside the United States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

THE NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ESTABLISHMENT ACT

PRESSLER AMENDMENT NO. 5403

Mr. GRASSLEY (for Mr. PRESSLER) proposed an amendment to the bill (S. 1311) to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; as follows:

On page 2, line 8, strike ''nonprofit'' and insert ''not for profit''.

On page 2, line 10, after the period insert the following: ''The Foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and shall be presumed, for purposes of such Code, to be such an organization until the Secretary of the Treasury determines that the Foundation does not meet the requirements applicable to such an organization. Section 508(a) of such Code does not apply to the Foundation.''.

On page 5, line 8, after the period, insert the following: ''The three numbers appointed by the Secretary shall include the representative of the United States Olympic Committee.''.

On page 5, line 21, after the period insert the following: ''The Chairman of the President's Council on Physical Fitness shall serve as Chairperson until a Chairman is elected by the Board.''.

On page 12, line 4, strike ''contributors,'' and insert ''contributions,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, September 25, 1996, in open session, to receive testimony on the impact of the Bosian elections and the deployment of United States military forces to Bosnia and the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet twice during the Wednesday, September 25, 1996, session of the Senate for the purpose of conducting a hearing on the Mars discovery and a hearing on the treatment of families after airline accidents.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, September 25, 1996, beginning at 10 a.m. in room SH–215, to conduct a markup on a committee amendment to H.R. 3815.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 10 a.m. to hold a business meeting to vote on pending items, and for the Subcommittee on Near Eastern and South Asian Affairs to meet at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 1:30 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the phase-out of the Office of Navajo and Hopi Indian Relocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 10 a.m. to hold a hearing on White House access to FBI background summaries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 2 p.m. to hold a hearing on the role of the U.S. Department of Justice in implementing the Prison Litigation Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, the Committee on Veterans' Affairs asks unanimous consent to hold a joint hearing with the Senate Select Committee on Intelligence on the Department of Defense and intelligence reports of U.S. military personnel exposures to chemical agents during the Persian Gulf war.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, at 10:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Subcommittee on Financial Management and Accountability of the Governmental Affairs Committee to meet on Wednesday, September 25, 1996, at 10 a.m., for a hearing on oversight of regulatory review activities of the Office of Information and Regulatory Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 25, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to consider S. 9871, a bill to provide for the full settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 25, 1996, to conduct a hearing on the release of the fourth Trade Promotion Coordinating Committee [TPCC] annual report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAIWAN'S NEW FOREIGN MINISTER, JOHN H. CHANG

• Mr. COHEN. Mr. President, I rise today to say a few words about Taiwan's new Foreign Minister, John H. Chang.

Mr. Chang's selection as Foreign Minister at this crucial moment in relations between mainland China and Taiwan is particularly appropriate, because his background represents the complexity of the cross-straits relationship writ small. Born on the mainland in the midst of the Second World War, Chang came with his family to Taiwan in 1949.

Although a mainlander by background, Minister Chang grew up among local Taiwanese and became equally comfortable speaking Mandarin, Taiwanese, and Hakka. He has been able to bridge the tensions between Taiwanese and mainlanders that have marked much of the island's postwar politics. Among the first KMT leaders to open a dialog with opposition members, Minister Chang served as a key player in the talks between the governing party and the Taiwanese opposition in the years leading up to the democratizing reforms of the late 1980's. Earlier this year, Chang won the highest percentage of votes of any candidate in Taiwan's assembly elections.

Minister Chang is a skilled diplomat and a seasoned negotiator. His presence in President Lee Teng-hui's cabinet should be a force for good in cross-straits relations.

Mr. President, I request that an article on Minister Chang from the Asian Wall Street Journal be placed in the RECORD at this point to further acquaint my colleagues with Minister Chang and his background.

[From the Asian Wall Street Journal, June 21, 1996]

CHANG AIMS TO EXPAND TAIWAN'S ROLE ON WORLD STAGE

(By Leslie Chang)

TAIPEI.—By his second day in office, Taiwan's foreign minister was hearing the first attacks from China: He is ''untrustworthy'' and ''betraying (his) family.''

Mention of the criticisms, attributed to Beijing sources and reported in a Hong Kong newspaper, elicits only a diplomatic ''no comment'' from John Chang, in his first interview since joining the new cabinet of Taiwan President Lee Teng-hui last week. But in an hour long conservation in the ministry's lushly appointed reception room, lined with framed photographs of the career diplomat with everyone from Mikhail Gorbachev to Bob Hope, the 55-year-old Mr. Chang isn't always so circumspect.

''It is mainland China which has complicated the issue, which has confused all the world,'' asserts Mr. Chang, speaking of a year of heightened tensions between Beijing and Taipei.

As Mr. Chang takes on the touchiest of ministerial portfolios amid that standoff, such broadsides and rebuttals seem a fitting start. After all, the very existence of his job is irritating to Chinese leaders, who regard Taiwan as a Chinese province, which shouldn't pursue its own foreign policy. And Mr. Chang likely will work aggressively to beef up the island's ties with other countries, analysts say, while his good relations with the president ensure a more seamless foreign policy than ever before.

''His profile will be higher'' than that of his predecessor, Fredrick Chien, predicts Chou Yu-kou, who has written a biography of Mr. Chang's mother as well as three biographies of Taiwan's current president. Mr. Chang's ''voice can be louder; he can push hard for 'pragmatic diplomacy,'" Ms. Chou says, referring to Mr. Lee's policy of establishing formal ties with as many nations as possible.

One reason Mr. Chang can step up these efforts lies in his unusual background: He is a grandson of Chiang Kai-shek, who ruled China for two decades before fleeing with his Nationalist troops to Taiwan in 1949, defeated by the Chinese Communists in a civil war. Mr. Chang and a twin brother who died earlier this year were the illegitimate offspring of a wartime affair between Chiang Ching-kuo, the general's son and later Taiwan's president, and a woman he met in the southern Chinese province of Jiangxi, who died shortly after the twins were born.

But Mr. Chang and his twin brother, who came to Taiwan in 1949 and were raised by their maternal grandmother, were unaware of their illustrious parentage until they went to college, according to Ms. Chou's book. While most main landers settled in Taipei, speaking the official Chinese Mandarin dialect among themselves and dominating all top government and military posts, the boys grew up in the smaller northern city of Hsinchu and spoke the local Taiwanese and Hakka dialects.

''I was brought up . . . with native children,'' says Mr. Chang. ''I see no differences between mainlanders and Taiwanese.'' Mr. Chang's viewpoint is unusual on an island where ethnic differences often lie just beneath the surface. Such close associations with local Taiwanese people, he believes, helped him garner the highest percentage of votes island-wide in March elections to Taiwan's National Assembly.

The combination of an elite mainland background and Taiwanese sympathies also gives Mr. Chang the clout to do things his way. As a rising star in Taiwan's diplomatic corps in the late 1970s, Mr. Chang was one of the first government officials to initiate contact with antigovernnment politicians, many of whom had fled abroad and faced treason charges if they returned. Mr. Chang helped some of those politicians to get off the government's blacklist and return to Taiwan.

''He was pretty open, willing to take (such) risks,'' recalls C.J. Chen, a vice minister of foreign affairs who has known Mr. Chang for more than two decades. At the same time, he adds, ''because of his background, people would have little doubt about his loyalty.''

Acquaintances describe Mr. Chang as liberal-minded and full of energy. In his previous post as Overseas Chinese Affairs Commissioner, for example, Mr. Chang shook up the sleepy cabinet-level position by expanding contacts with overseas Chinese communities around the world. In January, he hosted a high-profile breakfast meeting in Washington between Taiwan politicians and some of their U.S. counterparts, including House Speaker Newt Gingrich.

At a news conference last week, while other new cabinet members shuffled papers and rattled off statistics, Mr. Chang addressed each reporter by name and gave colorful responses. Asked which was more

important, Taiwan's foreign policy or its policy toward the mainland, he responded, ''If you are going fishing, is it the hook or the line that is important?''

Already, Mr. Chang is signaling a shift in tone from that of his predecessor, Mr. Chien, who held the more conciliatory stance that policy toward the mainland took precedence over foreign policy. It is Mr. Chang's stepped up efforts to raise Taiwan's international profile that has led some in Beijing to accuse him of betraying the ideals of his father and grandfather, who had hoped that the island would one day reunify with the mainland.

On some points, Mr. Chang strikes softer notes. Taiwan's continuing efforts to join international organizations, he says, will focus more on ''functional agencies'' such as the World Bank, the International Monetary Fund and the World Trade Organization.

And while Taiwan will continue its efforts to take a more active role in the United Nations—the move on the international stage that most angers Beijing—Mr. Chang notes that Taiwan isn't formally seeking U.N. membership, but rather, it asks only that the U.N. study the issue of the representation of Taiwan, which hasn't been a member of the world body since 1971.

But in the next breath, Mr. Chang says he is planning overseas trips for later this year, and hopes to sign on new countries ''who want to have formal relationships with us,'' adding to the 31 nations that currently recognize Taiwan.

Which new countries might those be? The diplomatic veil drops again. ''You will hear about it,'' he promises, smiling.●

A NEW MARSHALL PLAN FOR THE EAST

● Mr. SIMON. Mr. President, the Chicago Tribune had an editorial calling for a Marshall plan for Eastern Europe.

That really makes sense. I know that between now and election day we're not going to hear calls from our leaders for this, but after election day, I hope that will happen.

It would take courage, just as the original Marshall plan took courage. After President Truman and General Marshall announced the plan, the first Gallup Poll showed only 14 percent of the American public supporting it.

But what a great thing that was for the United States and the world; and let me add we need a Marshall plan for our domestic scene, particularly urban America.

President Clinton was not correct when he said that this is the end of the era of big Government.

The question is not whether the Government is big or small but whether it is good, whether it is doing the things that need to be done.

There are needs today in Eastern Europe and in the cities of our country. My hope is that the next President of the United States—and my hope is that it will be Bill Clinton—and the next Congress will show greater leadership than we have shown in foreign affairs and domestic affairs these last 2 years.

Mr. President, I ask that this editorial from the Chicago Tribune be printed in the RECORD.

The editorial follows:

A NEW MARSHALL PLAN FOR THE EAST

Sometimes the martial mind can discern more accurately than others how this nation should pursue its interests short of war. Think of Gen. George C. Marshall, who traded in his olive-drab for pinstripes after World War II and, as secretary of state, drafted the inspired plan (that now bears his name) to inject billions of dollars into the charred economies of Western Europe to create stable conditions in which democracy thrived and communism was held at bay.

Now that the Western democracies have won the Cold War, along comes another general with a compelling vision for America's role in Europe.

U.S. Gen. George Joulwan, the NATO supreme commander, argues that the Cold War's conclusion is not a time for America to disengage from Europe but to ''consolidate the gains of democracy.'' In military terms, he says, ''When you take an objective, the first thing you think about is not pulling back from the objective but of securing it.'' And the Western democracies, he says, have not yet consolidated their gains among the fragile, emerging democracies to the east.

True enough. But it is the method by which Joulwan proposes to achieve that consolidation—expansion of NATO—that gives us pause.

Pentagon troop strength in Europe, which forms the backbone of the Western alliance, has dropped to 100,000 from a Cold War high of 350,000.

Joulwan argues for expanding NATO eastward. That is the determination of both the North Atlantic Council that governs NATO and of his own commander in chief, President Clinton. (Republican challenger Bob Dole also favors allowing former Warsaw Pact states into NATO.)

But no military threat requires expanding NATO, particularly at a time when the wounded Russian bear would feel caged, provoked.

True, partnership training exercises between NATO and the armies of the East can teach discipline, order and the powerful concept of control over the military by a democratically elected civilian government. But even Joulwan avers that America ''stands for much more than ships, tanks and planes. It stands for shared values that are sought in the rest of Europe.''

Military alliances are no substitute for political and economic integration, and that is the best way to share western values with Central and Eastern Europe. Proof of that rests in the dusty archives of American diplomacy, in a proposal mostly forgotten as a casualty of the Moscow-Washington competition.

It's not widely remembered, but the Marshall Plan envisioned America's investing billions of dollars in Eastern Europe—yes, even in Russia—as well as in the West. Moscow vetoed that aid, so Marshall's visionary proposal benefited Western Europe alone.

Time to dust that plan off. The successor administration of the Marshall Plan, the Organization for Economic Cooperation and Development, is alive and healthy today. Along with European Union membership and American guidance, it represents the best strategy for integrating the new Europe.●

TRIBUTE TO MERRILL MOORE

● Mr. FRIST. Mr. President, I rise today to salute Merrill Moore, an experienced and devoted journalist who has become a living legend in upper east Tennessee and southwest Virginia. Merrill Moore is recognized by many in his community as the steadfast anchorman on WCYB-TV in Bristol. For 30 years, he has been one of the most trusted and most watched journalists in the five State area.

Moore began his career in radio broadcasting as a student at East Tennessee State University [ETSU]. He was a familiar radio personality on WETB, the college radio station, and remained active in broadcasting throughout his college career. After 2 years of military service, Moore returned home to the tri-cities area and to the radio booth.

Mr. President, at the urging of his colleagues Moore moved to WCYB-TV in Bristol where he worked his way through the ranks. In 1962, Moore anchored his first newscast at 11 p.m. and by 1964, he was anchoring the 6 p.m. newscast. Thirty-four years later, Merrill Moore has reached the pinnacle of his broadcasting career. In those years, he has covered countless national and local events and has had the opportunity to interview Presidents Ford, Carter, Bush, and Clinton.

Most importantly, Moore has had the opportunity to witness the growth of the tri-cities area. Many of his reports have spanned the beginning and completion of area projects, such as the construction of the East Tennessee State University Medical School and the highway connecting the tri-cities to Asheville, NC. He has been a main source of information to the community from the drawing board to the dedication of many area improvements. And he never fails to provide an up-to-date and informative newscast.

Recently, Merrill Moore was awarded the prestigious George Bowles Broadcast Journalism Award for his many years of dedication to WCYB-TV and the tri-cities area. The award, presented by the Virginia Association of Broadcasters, is an annual honor given to successful broadcast journalists that are respected by their peers and the community. It also honors journalists for their devotion to their work and the amount of insight they bring to the stories they cover. Merrill Moore most certainly qualifies for this award and has maintained these high standards for many years.

Mr. President, I would like to ask you to join me in applauding the efforts and continued service that Merrill Moore has provided upper east Tennessee and south west Virginia. His commitment to the tri-cities is to be admired by many.

OBJECTION TO CONFERENCE REPORT TO ACCOMPANY H.R. 1296

● Mr. WYDEN. Mr. President, I am announcing that I would object to any request for unanimous consent to proceed to consider the conference report on H.R. 1296.

I would object to any unanimous request to proceed with this conference report because it contains a provision to that would allow the Secretary of the Interior to sell corporate sponsorships to America's National Parks System.

This provision has the potential to completely change the character of our

national parks and fosters conflicts of interest between the Department of the Interior and potential sponsors. Importantly, it would fail to contribute significantly to critical funding needs of the National Parks System.

I will object to consideration of the conference report because I don't believe we should consider such a controversial provision under procedures that do not provide for the debate and amendment of such objectionable provisions.●

NATIONAL ENDOWMENT FOR DEMOCRACY

● Mr. LUGAR. Mr. President, I am a strong supporter of the programs sponsored by the National Endowment for Democracy and the four core groups that are part of the endowment family. For a very modest investment from the U.S. Government, this nongovernment organization has accomplished remarkable achievements in promoting democratic institutions, advancing the norms of a civil society, and furthering the principle and practice of market economics abroad. NED has contributed significantly to the foreign policy goals of the United States.

It is exciting to chronicle the rich and positive role the NED has played in the promotion of American political values since its inception in 1983. It has been helpful in winding down the cold war in Eastern and Central Europe, in facilitating democratic transition, growth and consolidation in Asia and Latin America, and in supporting proponents of human rights and freedom in all geographic regions of the globe and in more than 90 countries.

Rather than listing the additional successes of NED, I ask that a statement entitled ''The United States Needs The National Endowment for Democracy'' be inserted in the RECORD for all Members to read. The statement was drafted by the Forum for International Policy whose president is Brent Scowcroft and whose chairman is Larry Eagleburger. They, along with virtually every individual who served in the positions of National Security Advisor and Secretary of State in every administration since 1983 have endorsed the NED's work and support its full funding. I ask all Members to read this statement carefully.

The material follows:

THE UNITED STATES NEEDS THE NATIONAL ENDOWMENT FOR DEMOCRACY

The United States' only international political foundation, the National Endowment for Democracy (NED), is under threat. Establishment in 1983, the Endowment operates openly and independently to support individuals, groups and institutions who are working to promote and consolidate democracy in their own countries. Although it is federally funded and subject to Congressional oversight, NED is not a government agency. An independent, non-partisan board of directors sets its policies and strategies. The Endowment channels its support directly to grantees or through four core institutes: the Center for International Private Enterprise, the International Republican Institute, the Free Trade Union Institute, and the National Democratic Institute for International Affairs. They, too, are independent of any government direction. The House of Representatives has approved an appropriation for fiscal 1997 of $30 million, reflecting no increase over the current level. The Senate Appropriations Committee, however, has recommended that funding be eliminated entirely on the grounds that the Endowment is a Cold War institution which has outlived its usefulness. That is a short-sighted judgment and should be reversed.

In 1983, President Ronald Reagan called for a non-governmental institution along the lines of political foundations in other Western democracies. The National Endowment for Democracy was created to assist the transition to modern, pluralistic, particularly systems in other countries within the context of their own individual histories, cultures and traditions. The United States has fundamental and enduring interests in the promotion of American political values and ensuring the spread of pluralism, freedom and democracy throughout the world. Pursuit of those interests is no less important today than it was at the height of the Cold War. Our own national security and economic prosperity are no less at stake. NED and its core institutes are uniquely able to accomplish this task by the employment of non-governmental structures untainted by direct association with the U.S. Government.

At the official level, our choice of instruments to pursue democracy support strategies is limited. The Agency for International Development's (AID) focussed programs have been effective, but they reflect the immediate priorities of any administration in office (or of actively interested members of Congress). Because of the way they are funded and operated, the emphasis of AID programs is too often on short to medium-term results. They are managed by federal employees in accord with bureaucratic rules and regulations. AID's ''official'' programs require us to work with host governments or at least with their tacit acceptance. The State Department, the United States Information Agency, and other federal agencies as well, promote democracy, but they, too, must operate within limits and norms set for official government representatives in foreign lands. NED and its institutes, however, are able to use their resources to nurture the development of grass roots democratic movements and long-term processes which must grow from within. NED operates where there is no official U.S. presence and it is not obligated to work through official channels. NED is not driven by the short-term imperatives which often, quite legitimately, drive government decisions and actions.

The Endowment's non-governmental approach has worked. Through its low-cost programs NED does openly and aboveboard what our government is not able to do: it supports monitoring of elections, conferences and exchanges in Russia on party organization, polling methods, publicity and the nuts and bolts of open elections which have been credited with contributing to the success of democratic forces in the recent elections. In the Central Asian Republics it has funded civic education centers. In Slovakia it supports teacher-training workshops to introduce citizenship education into primary and secondary schools. In Bosnia it has kept an important source of news alive. It helps sustain Burma's hard-pressed democratic movement. It supported grass roots education for Palestinian voters. In Mexico it aids a coalition that focuses on electoral reform, political participation and accountability of public officials. NED even funds initiatives to strengthen democracy and human rights movements in Cuba. In many instances, however, despite free elections and outward signs of change, the transition to more deeply-rooted, stable democracy is incomplete or even at risk. It is in our interest to sustain NED's efforts because today's initiatives are no less important than those of the past.

Signs that America is prepared to disengage from the important work of fostering democracy are unsettling to our allies and do not serve our national interests. The National Endowment for Democracy has proven itself to be a cost effective, long-term investment in America's security. It would be a mistake to eliminate it. The Senate should restore funding for the National Endowment for Democracy as approved by the House.●

THE FORGOTTEN INTERNMENT OF JAPANESE LATIN AMERICANS

● Mr. SIMON. Mr. President, one of the most shameful episodes in our Nation's history was the internment of Japanese-Americans during World War II. In response, although belatedly, Congress enacted in 1988 the law providing reparations to those who were uprooted and sent to internment camps.

There is another group of people who suffered the same injustice, but are ineligible for redress under the law. As detailed in a recent article in the Los Angeles Times, more than 2,200 Japanese Latin Americans were taken from their homes in 13 countries, mostly from Peru, and brought to the United States to be detained. Most spent the war in a camp in rural Texas, and some were even held until 1948. The U.S. Government never officially acknowledged a reason for this policy. Since the Japanese Latin Americans were not legal residents of the United States at the time of their internment, they are not eligible for an apology or reparations. Clearly, this injustice demands a remedy.

Of those who were forcibly brought to the United States, only 200 were allowed to return to Latin America. Others returned to Japan, while many stayed in the United States and eventually became citizens. Some 300 applications by Latin American Japanese for redress under the 1988 law have been denied because they were not legal residents before the law's June 1946 cutoff date.

The article gives an account of a journey of a detention ship that in 1944 was steaming from South America to the United States escorted by destroyers and submarines. In the year of the invasion of Normandy, not to mention the war in the Pacific, it is astounding that our Nation saw fit to devote military resources to this shameful and questionably legal undertaking.

I have written Senator INOUYE, who authored the 1988 reparations bill, to see if something can be done. While I will not be in the Senate next year, I hope that my colleagues will consider legislation in the next Congress to provide payments to family members of the Japanese Latin American who were detained. After so many years, that would be the right thing to do.●

TRIBUTE TO VIC HELLARD, JR.

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who dedicated most of his career to making Kentucky government run more smoothly. For over 20 years, Vic Hellard, Jr., who passed away September 18, worked behind the scenes as the glue that held the Kentucky General Assembly together.

Vic Hellard was born and raised in Versailles, KY, the son of a Ford dealer. He received his undergraduate degree from Eastern Kentucky University and earned a law degree from the University of Kentucky. In fact, Vic and I attended law school together. He later practiced law in Versailles and was twice elected to the State House of Representatives.

After a year as chief counsel to House Speaker Bill Kenton, Mr. Hellard was hired as director of the Legislative Research Commission—the administrative and research arm of the General Assembly. He held this position from 1977 until his retirement in 1995. This career spanned a period of sweeping change in Kentucky government.

Former House Speaker Bobby Richardson told the Courier-Journal, ''Vic's legacy is that he turned the LRC into a professional, informed support staff for the legislature, which allowed the legislature to become an equal partner with the governor.''

Attorney General Ben Chandler said of Mr. Hellard, ''He was the shepherd of legislative independence, but he never accepted the credit he deserved for anything he did. That was part of his charm.''

Mr. Hellard was also known for remaining above the fray. He was always courteous to lawmakers regardless of their party affiliation or seniority. He always avoided partisan and factional rivalries.

Vic Hellard, Jr. is survived by his wife, Ellen Carpenter Hellard, his mother, Leona Tilghman Hellard, and two brothers, George D. and Ronald W. Hellard. I ask that my colleagues join me in paying tribute to this outstanding Kentuckian.•

AD HOC HEARING ON TOBACCO

• Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN, WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the statements of the Senators who attended the hearing. Today I am entering the testimony of the witnesses from the first panel which included Justin Hoover, a 12-year-old addicted to tobacco, and his DARE officer, Jody Hayes.

Mr. President, I ask that the testimony from the first panel of this ad hoc hearing be printed in the RECORD.

The testimony follows:

TESTIMONY OF JUSTIN HOOVER, SEPTEMBER 11, 1996

Hello, my name is Justin Hoover. I am twelve years old and a sixth grader at Clegg Park Elementary School in West Des Moines, Iowa.

I would like to tell you how I became addicted to cigarettes. I tried my first cigarette when I was six years old. My mother smokes and always kept a carton of cigarettes in her bedroom. I would see her go into her drawer and take a pack of smokes out every now and then. I had an older brother that was fifteen then and saw him and my mother smoking all the time. I wanted to be older than I was and thought smoking was cool and would show everyone that I wasn't a little kid. One day I stole a pack of cigarettes from my mother's drawer, went outside and smoked four or five. My little sister told my mother I was smoking. She found me smoking them. My mother told me that I was never to smoke again or I would be in big trouble. She said that even though my brother and her smoked, it wasn't a good thing to do.

I didn't smoke again until I was nine. I started again because I thought it was the cool thing to do. I saw people smoking on T.V. shows, when we went out to eat, driving down the street on billboards and in stores I would always see tobacco advertisements especially Joe Cool for Camel cigarettes and I always thought it looked kind of cool. I started sneaking cigarettes from my mother again I did that for awhile until I needed more than just one or two a day. I started to steal cigarettes and sometimes chewing tobacco from stores. Sometimes I would sneak out of the house to steal them from convenience stores late at night because that was when the clerk was in the back room a lot making it easier to get away with. I tried to stop three times, but never made it longer than five days before I started again. I would smoke butts that I found in the ashtray at the store across the street. Sometimes I would pick up a bunch of used butts, take several of them and pour the unused tobacco on a piece of paper and try to roll my own. Sometimes I would drop the cigarettes in the house burning the carpet and furniture. One night I fell asleep and dropped a cigarette on the bed. It caught fire and we had to put it out. No one was hurt.

I am now smoking seven cigarettes a day. One in the morning, and six after school and before bedtime. Officer Hayes and my mother have tried to help me stop, I have come close, but can't completely stop.

When I was told that I was going to come to Washington, DC, I was embarrassed to tell people what I have done. But I know that smoking is bad for me and can affect my health. I don't want my little brother and sisters to start smoking. My brother who is three acts like his crayons are cigarettes because he sees all of us smoking. If things don't change, I am sure he will follow in my footsteps. That would make me feel bad.

I believe the only way I will be able to stop smoking is if I can't get them. If stores make them harder to steal, and there are no more vending machines that sell them, I think I could stop. As for my brother and sister, if I don't smoke, and they don't see cigarettes on T.V. or billboards I think they have a better chance of not using them and becoming addicted to cigarettes like me.

Everyone else in my life has tried to help me stop smoking cigarettes. My mother, my brother, Officer Hayes, teachers, my principal and my counselor at school. I came here today for myself and my brother and sister. I hope you can help us.

TESTIMONY OF JODY HAYES, SEPTEMBER 11, 1996

My name is Jody Hayes. I am a Police Officer with the West Des Moines Police Department located in Iowa. I have been an officer for seven years. I have served as a patrol officer on the street for three of those years. For the past four years I have been a community relations officer. I teach a wide variety of safety education programs to the public, with my primary responsibility focused on teaching drug awareness to the youth of West Des Moines. I do this through the D.A.R.E. program (*Drug Abuse Resistance Education*). I am here today to share with you my concern over tobacco use among youth.

As a police officer, I have had the unfortunate experience of seeing how bad the drug problem in society really is. I see kids as young as twelve years old walking home from school with cigarettes in their hand. The police department has hundreds of cases on file where youth have been caught trying to steal cigarettes from stores because they're not old enough to purchase them. Our high school kids cross the street at lunchtime to smoke their cigarettes so they don't get in trouble by the school for smoking on the grounds. It is not uncommon to see twenty or thirty teenagers smoking across from the school during and after it lets out. There are countless teenagers in our community that have worn a hole in their jeans from carrying a chewing tobacco can in the back pocket. Tobacco use among teenagers is the worst I have ever seen.

Some parents that I talk with say ''Well, if all they do is smoke or chew tobacco, then that's not so bad. It's not like they're doing drugs.'' The D.A.R.E. curriculum, which is currently taught to children in every state within America, defines the word drug as this: Any substance other than food that can affect the way your mind and body work. Some people would lead you to believe tobacco doesn't affect both your mind and body.

First, let us consider if it affects the body. What about the high school athlete that used to be the best in his/her class that has now taken up smoking? They can't make it around the track during practice, or run down field to catch a pass during the big game, or even swim an entire lap in the pool because the cigarettes have limited their oxygen intake? What about the band or chorus member who can't seem to manage enough air to play their instrument or to reach the next note they have to sing? What about the deadly diseases that seem to follow tobacco use, like cancer or emphysema? What about gum disease and yellow teeth? What about the tar left behind in their lungs causing them to wake every morning to the sound of coughing and hacking and their body trying to flush the poison out of it's system? Yes, tobacco does affect the way the body works.

Does tobacco affect the mind? An addiction is defined in the dictionary as this: ''To become psychologically or physiologically dependent upon something.'' Since the word psychological refers to the mind and behavior, I think it would be safe to say yes, tobacco does affect the way your mind works. It is called addiction. Thus, tobacco is indeed a drug that is both affecting our children's minds and bodies during the most vulnerable time in their life.

Cigarettes are a gateway drug, meaning they are opening the door for our youth to experiment with a world of even more deadly drugs. After tobacco comes marijuana. ''Why not,'' the child asks. Why not try marijuana, I'm already getting smoke in my lungs from

the cigarettes. After that comes all of the other drugs that society continues to lose children to, cocaine, heroin, methamphetamines, and LSD. The list goes on and on. We have to stop where drug use starts and that is with tobacco.

We can not allow the tobacco industry to brainwash our children, through colorful cartoon billboards and advertisements, into believing tobacco use as a hobby that is fun to do. We can not allow them to advertise tobacco products as a glamorous habit to be involved with to feel grown-up. Children are too vulnerable to expect them to resist these types of pressure. As a D.A.R.E. officer, I know how hard it is to convince youth to stand up to peer pressure, to face challenges in their life; not escape them, and to ignore the curiosity surrounding drugs. The last thing our children need is another type of pressure in their life. Tricky advertising techniques by the tobacco industry attempt and often succeed in luring kids to try their product. They place cartoon billboards where children play and go to school. They give away thousands of promotion products such as T-shirts, ball caps and jackets that we see children wearing around the community. They get T.V. role models and athletes the kids look up to to advertise their products. Lastly, they portray tobacco use as the grown-up thing to do, which again influences children that want to feel older, only need to smoke to do so. It is a known fact that most children will always want to be older than they are. This type of advertising plays on that wish. I was surprised to learn the tobacco industry can deduct the cost of advertising from their taxes. This alone is an incentive for them to advertise more often. I was personally glad to see Senator Harkin introduce a bill that would put an end to such a ridiculous tax deduction.

The fact is we can not change a child's wish to feel older. Although, we can change what they do to feel older. We can take away the billboards advertising tobacco where our children play and go to school, and put up positive messages against drug use for them to see. We can make stricter consequences for tobacco vending that sell to under age buyers without checking their identification prior to the sell. We can get rid of the vending machines that offer tobacco products to any one with enough change in their pocket to buy them no matter the age. We need to put a stop to free tobacco samples and promotional items such as caps, shirts and jackets. We need to use our role models in society to promote drug awareness instead of drug use. Lastly but most importantly, we need to educate our children continuously as to the harmful effects of tobacco use.

Yes, tobacco is a drug that will extinguish a child's dreams and goals. It is a drug that will keep them from reaching their full potential and it is a drug that will keep them from living a long and prosperous life. Remember this, the children are our future, and without our help they may not have a future. Our children are in desperate need of your help.●

HONORARY NATIONAL HUNTING AND FISHING DAY FAMILY

● Mr. FAIRCLOTH. Mr. President, I rise today to honor the Gary F. Coley family of Raleigh, NC. They have been selected as the first-ever honorary hunting and fishing day family as part of the 25th anniversary celebration of National Hunting and Fishing Day.

In the Coley family, working for wildlife is a natural and perpetual part of enjoying the outdoors. As hunter education instructors or supporters of wildlife scholarships, outdoor camps, and other community service activities such as Hunters for the Hungry, grandparents Beverly and Harriet, children Brad and Jennifer, and parents Harriet and Gary are there.

A focal point of the Coley family is their leadership role in the Wake County Wildlife Club. The club, which has received several national and Governor's conservation awards, promotes high standards of sportsmanship, exemplary conduct afield, and greater out door opportunities for all.●

TRIBUTE TO THE COMMUNITY OF NORTH CHARLESTOWN, NH, FOR RENOVATING THE FARWELL SCHOOL

● Mr. SMITH. Mr. President, I rise today to pay tribute to the families of Harvey Hill and Paul St. Pierre and all the residents of North Charlestown, NH, who renovated a 105-year-old two-room building to provide additional space for the Farwell School. The philanthropy of the Hill and St. Pierre families and their community is truly commendable. Last month, the residents of North Charlestown gathered for a ribbon-cutting ceremony, a family-style barbeque, and soccer games to celebrate the recent opening of the new Farwell School.

Harvey Hill and his wife, Christina, who are North Charlestown residents, donated $450,000 for the construction of the old Farwell Elementary School. He is the Editor of the Claremont Eagle Times and a successful businessman in North Charlestown. Hill is a graduate of the original Farwell School and has a daughter who now attends the new elementary school. Before the addition was built, Hill's daughter was bused to the North Walpole School, which took a total of 2 hours every day. The Hill and the St. Pierre families have tried several times to get a bond passed, but were unsuccessful. Harvey and his wife are pleased to have helped with the education of the children in the Fall Mountain School District.

The St. Pierre Family also contributed an enormous sum for the construction of the new school. Paul and Rolande St. Pierre are parents of thirteen children and operators of a successful construction business in North Charlestown. The family donated part of the land for the addition of the Farwell School. Additionally, the St. Pierres performed much of the construction and site work for the building, and donated $125,000. The St. Pierre family, like the Hill family, did not want North Charlestown children to have to ride the bus for two hours every day.

The extra space in the Farwell School provides several advantages for the community of North Charlestown. For the last 16 years, 45 of the 80 students now attending the new Farwell School were bused to the North Walpole School 16 miles away. Not only do these North Charlestown children now attend school closer to home, but the transfer of the students frees up more space in the North Walpole School. The expansion of the Farwell School has helped decrease the problem of overpopulation in the Walpole School.

The Farwell Trust, the group that previously owned the building and land, donated the existing building, valued at $150,000, and the 5-acre property, valued at $100,000, to the Fall Mountain Regional School District. This gift freed the Farwell School from having to pay rent. These savings combined with savings from the elimination of two bus routes to neighboring North Walpole will save the school district money.

Before the Hill and St. Pierre families offered their donations, Fall Mountain voters rejected a new school for several years. In response residents and volunteers worked hard to raise $58,000 in donations, which arrived in the forms of money, supplies, and other essential gifts. Even with these donations, the new elementary school still would not have been possible without financial assistance from the Hill and St. Pierre families.

The students who now attend the Farwell School appreciate the community's hard work and dedication in making their school truly the school that volunteers built. They are also grateful for the tremendous gift the Hill and St. Pierre families have given them. Indeed, the young children of North Charlestown are enthusiastic about their new school. How wonderful to know that the children of America, who are the future of our country, are eager to receive an education.

The expansion of the Farwell School would not have been possible without the generous donations from the residents of North Charlestown. I commend the Hill and St. Pierre families for their generous outpouring of support, and all the volunteers who made the Farwell School expansion possible. The North Charlestown residents should be very proud of their new school. They have given such a wonderful gift to the children in their community.●

FORD MOTOR COMPANY'S 250–MILLIONTH VEHICLE

● Mr. ABRAHAM. Mr. President, I rise today to commemorate October 8, 1996 as a day on which the citizens of my State, and indeed the entire country, can take great pride in the milestone of a true Michigan institution: Ford Motor Co. For on this day, the 250-millionth Ford vehicle will roll off the assembly line.

In 1903, the first Ford Model A was built by 10 employees in a small converted wagon factory in Detroit. More than nine decades later, Ford still calls Michigan home, maintaining its world headquarters in Dearborn. It is from these Michigan roots that Ford has grown into its present status as a

global corporation. Ford cars, trucks and components are made in 185 plants in 36 countries on 5 continents and sold in over 200 markets. Last year, worldwide sales revenues surpassed $137 billion, factory production exceeded 6.6 million vehicles, and the company employed more than 346,000 workers.

No car company has contributed more to America's love affair with the automobile than Ford From the Model T to the F-Series pickup to the Escort, Ford has built and sold some of the bestselling nameplates in automotive history. Other Ford classics, such as the Mustang and the Thunderbird, remain American cultural icons.

Evidence of the positive impact of Ford Motor Co. isn't limited to our roads and highways. The results of founder Henry Ford innovative adaption of the moving assembly line to automotive production, higher volumes at lower costs, revolutionized industrial manufacturing practices around the globe. And Henry Ford 1914 announcement that he would pay $5 for an eight hour work day, twice the going rate, spawned the creation of high-skilled, high-wage jobs for American automotive workers.

It is often said that Ford Motor Company ''put the world on wheels,'' and I like to believe Michigan played an integral role in this accomplishment. Our State has always offered an exceptional standard of living for its residents, in no small measure due to the presence of Ford, its suppliers and customers. On behalf of my colleagues, I congratulate Ford and its employees on this special occasion, and look forward to celebrating future milestones with Ford Motor Co. and its home State.

MONGOLIA

• Mr. ROTH. Mr. President, I rise today to add to the words of praise for Mongolia expressed yesterday by Senator THOMAS, chairman of the Subcommittee on East Asian and Pacific Affairs, when he introduced legislation to extend nondiscriminatory trade status to that country.

Mongolia has made striking advances toward the development of a democratic political system and a free market economy. This past July, Mongolians went to the polls and resoundingly voted into Government the Democratic Opposition Party, ending 75 years of control by Communists and their heirs. The new Government's peaceful assumption of power underscores Mongolia's rise to the front ranks of Asian democracies. The new Government in Ulaanbataatar, moreover, has outlined an ambitious plan for faster and continued economic liberalization and political reform.

Given these and other developments, I look forward to considering legislation granting to Mongolia nondiscriminatory trade status early in the next Congress.•

TRIBUTE TO THE NEW HAMPSHIRE BOY SCOUTS OF AMERICA TROOP NO. 55 ON THE OCCASION OF THEIR 75TH ANNIVERSARY

• Mr. SMITH. Mr. President, I rise today to pay tribute to the New Hampshire Boy Scouts of America Troop No. 55 as they celebrate their 75th anniversary. Troop 55 has diligently served the New Hampshire town of Meredith and the New England region for 75 years. The troops members and their family and friends will celebrate this impressive milestone on September 28th in Hesky Park, Meredith, with a special presentation and a cookout. I am proud to congratulate Troop 55 for 75 years of dedication to New Hampshire and New England.

Boy Scout Troop 55 was founded in January 1921 by the Whittier Men of the First Congregational Church of Meredith. Today, Troop 55 is sponsored by the Meredith Kiwanis Club. For 75 years, Troop 55 has accomplished a long history of achievement and service to their community. While the Troop has a number of accomplishments, their area of specialty is the preservation of elm trees throughout New England. To preserve the elm trees, Troop 55 uses Dutch Elm trees, which are especially resistant to disease. The members of Boy Scout Troop 55 participate in the planting of these special Dutch Elm trees throughout New England. To further the use of Dutch Elm trees, Boy Scout Troop 55 has their own nursery of trees.

Troop 55 of Meredith is also very proud of 10 of their members who have attained the Eagle Scout status. To become an Eagle Scout, a young man must earn badges for citizenship in the community, citizenship in the Nation, and citizenship in the world. The Eagle Scout designation is the highest attainable rank for a young man. Those who achieve it have every reason to be proud.

The Boy Scouts of America promote citizenship, character-building, and community service among the boys of our country. This organization also provides respectable, solid role models for the youth of our Nation and teaches them about commitment, dedication, and hard work. Members of the Boy Scout Troops of America learn valuable skills that serve them for a lifetime. I am proud to honor such an outstanding Boy Scout troop in New Hampshire. Congratulations to all the members of Troop 55 on reaching this remarkable milestone.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FROM APR. 3 TO 12, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Senator Orrin G. Hatch:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Senator Harry Reid:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Laura Petrou:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FROM APR. 3 TO 12, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Slovenia	Dollar		217.00						217.00
Paul Matulic:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Jan Paulk:									
Croatia	Dollar		280.00						280.00
Hungary	Forint	121,126	853.00					121,126	853.00
Albania	Dollar		178.00						178.00
Macedonia	Dollar		199.00						199.00
Slovenia	Dollar		217.00						217.00
Delegation expenses: [1]									
Croatia							627.47		627.47
Hungary							4,455.67		4,455.67
Albania							856.22		856.22
Macedonia							1,515.41		1,515.41
Slovenia							780.74		780.74
Bosnia-Herzegovina							617.50		617.50
Total			10,362.00				8,853.01		19,215.01

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Sept. 3, 1996.

MEASURE READ FOR THE FIRST TIME—H.R. 4134

Mr. GRASSLEY. Mr. President, I understand that H.R. 4134 has arrived from the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997.

Mr. GRASSLEY. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I submit a report of the committee of conference on (H.R. 3259) and ask for its immediate consideration.

THE PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 1996.)

Mr. SPECTER. Mr. President, I am pleased to be able to submit for my colleagues' consideration the conference report on H.R. 3259, the Intelligence Authorization Act for Fiscal Year 1997. As you know, the Senate passed its authorization bill only last week and this may be an unprecedented turnaround time from passage of our bill to consideration of the conference report. For this, I want to thank House Chairman LARRY COMBEST for his outstanding management of what could have been a difficult effort at reconciling our two bills. Ranking Member NORMAN DICKS and Vice Chairman ROBERT KERREY played equally valuable roles in finding the right balance between ardently advocating their positions and ensuring eventual passage of this important legislation.

The rapid progress of this conference report is all the more noteworthy in that, in addition to the usual annual authorization of expenditures for intelligence and intelligence-related activities, this year's authorization bill adds important new provisions to the National Security Act of 1947 designed to help the Director of Central Intelligence [DCI] exert stronger direction and control over the intelligence community.

Let me remind my colleagues that under the National Security Act the DCI wears three hats: principal intelligence adviser to the President and the National Security Council; Director of the Central Intelligence Agency; and head of the intelligence community, which is composed of 13 different intelligence agencies.

For a variety of reasons, a long succession of DCI's have devoted almost all of their time and energy to their first two jobs—advising the President and running the CIA—and have given short shrift to the third—managing the intelligence community. The result has been an unfortunate lack of coordination and focused effort by our various intelligence agencies. This is not to say that our intelligence agencies have not been successful. The opposite is true: the United States has the premier intelligence apparatus in the world. But because they are scattered among so many different departments and agencies they have not been able to operate as efficiently and effectively as they could.

Title VIII of the conference report—the Intelligence Renewal and Reform Act of 1996—contains provisions intended to strengthen the overall management of the intelligence community.

In particular, to help the DCI perform his community responsibilities, title VIII establishes a new Senate-confirmed Deputy Director of Central Intelligence for Community Management and three new Senate-confirmed Assistant Directors of Central Intelligence. Since the National Security Act was enacted in 1947, there have been only two statutory positions to manage the intelligence community: a Director of Central Intelligence and a Deputy Director of Central Intelligence. The time has come to give the DCI a better community management structure. The conference report provides that the DDCI for Community Management will manage an intelligence community staff and will direct communitywide functions, including personnel, resources, requirements, collection, research and development, and analysis and production. Each of the three Assistant DCI's will oversee communitywide efforts in a particular functional area: collection, analysis and production, and administration.

I should mention that the DCI has expressed some concern about whether the three Assistant DCI's should all be

Presidential appointments subject to Senate confirmation. While noting the DCI's concerns, a majority of the conferees concluded that the advantages of Senate-confirmation outweigh any potential disadvantages. In light of the fact that the three Assistant DCI's will be responsible for coordinating functions that cut across a number of different departments and agencies, the conferees determined that Senate confirmation is necessary to ensure that each of these individuals has sufficient stature and focus to impose a more cohesive and coherent process for allocating resources in each of these key functional areas.

The DCI has also questioned whether Senate confirmation of the Assistant Directors is warranted given the limited authority vested in these positions. In fact, the statutory authority vested in these positions is the full authority of the DCI for each respective area. Thus, the actual authority exercised by the Assistant Directors will depend in large measure on the authority the DCI chooses to delegate and support.

In addition to creating a better intelligence community management team, the bill gives the DCI significant new management authorities. For example, the Secretary of Defense will be required to obtain the DCI's concurrence—or note the DCI's lack of concurrence—before recommending an individual to the President to be Director of the National Security Agency, the National Reconnaissance Office, and the new National Imagery and Mapping Agency. The DCI will also have to be consulted regarding the appointments of the heads of the smaller intelligence community elements, including the Defense Intelligence Agency, the State Department's Bureau of Intelligence and Research, and the FBI's National Security Division. In addition, separate provisions added to this year's DOD authorization bill require the DCI to submit an annual performance evaluation of the heads of the major defense intelligence agencies to the Secretary of Defense. These provisions are very significant. Previously, the DCI had little or no say in the appointments or evaluation of the heads of the major operating elements of the intelligence community.

I should note that the Director of the FBI objected strenuously to requiring the DCI to be consulted before the Attorney General appoints the head of the FBI's National Security Division. Director Freeh appeared to be concerned that requiring consultation might somehow make the FBI Director appear to be subservient to the DCI. In response to these concerns, the conferees agreed to modify the original Senate provision to require the FBI Director to give the DCI timely notice of his recommendation of an individual to fill the position, and to give the DCI an opportunity to consult. While agreeing to these changes, the conferees noted that the Director of the National Security Division manages a significant portion of the national intelligence budget and concluded that it is wholly appropriate to give the DCI some voice in his or her appointment.

In addition to having a stronger voice in appointments, the DCI is given new statutory authority to participate in the preparation of defense intelligence budgets and to be consulted with respect to reprogrammings of funds among defensewide intelligence activities. For the first time, the DCI is also given the statutory right to establish intelligence collection requirements and priorities, and to resolve conflicts in collection priorities.

I also want to take a moment to address the press reports that opposition from the Department of Defense killed intelligence reform this year. It is true that bureaucratic resistance to change threatened reform efforts and that both the Senate and House Intelligence Committees agreed to scale back some of their proposals in the interest of ensuring passage of the bill. However, many very significant provisions remain. The conference report gives the DCI important new authorities to manage the intelligence community and, for the first time in 50 years, establishes a new intelligence community management structure. We expect these provisions will go far to make the intelligence community operate more effectively and more efficiently. In short, to paraphrase Mark Twain, the reports of the death of intelligence reform are greatly exaggerated.

With the end of the 104th Congress, we mark a significant milestone in the history of this Senate, the executive branch, and most of all, the intelligence community. Twenty years ago, on May 19, 1976, the Senate adopted Senate Resolution 400, establishing the Select Committee on Intelligence. The following day, May 20, 15 Senators were appointed to this committee, with Senator Inouye as its Chairman and Senator Howard Baker its Vice Chairman. Thus, from the very beginning, the nonpartisan nature of the committee was reinforced with the seating of a Vice Chairman rather than a ranking member. This nonpartisan attitude has continued for 20 years, with the Chairmen and Vice Chairmen working together overseeing U.S. intelligence, and at the same time ensuring that this important instrument of national security is maintained.

Mr. President, I ask unanimous consent that a brief statement outlining the impressive history of this committee be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. Speaker, the conclusion of the 104th Congress also marks the end of my term as chairman of the Senate Select Committee on Intelligence. Thanks in large measure to the commitment of the Vice Chairman, Senator BOB KERREY, and a dedicated staff, it has been a productive tenure. Beginning in early 1995 with the confirmation of a new Director of Central Intelligence and Deputy Director of Central Intelligence and culminating with the passage today of significant legislation to strengthen the ability of the intelligence community to meet the needs of the post-cold-war world, the past 2 years have seen this committee address virtually all of the important national security issues confronting the country. Through hearings, intensive inquiries, committee reports, and legislation, the SSCI has examined the growing transnational threats of terrorism, narcotics, proliferation of weapons of mass destruction, organized crime, and economic espionage. We have continued the committee's focus on counterintelligence and the fallout from the treachery of Aldrich Ames, reopened longstanding inquiries into the role of the intelligence community in Central America, explored the risks and benefits of economic intelligence collection, overseen intelligence support to military operations in Bosnia, the Persian Gulf, Somalia, Haiti, and elsewhere, and provided insights to the Senate on intelligence-related aspects of arms control.

The role that the Vice Chairman has played in these committee endeavors cannot be overstated. Senator KERREY brings a keen mind and deep personal commitment to the committee's task of ensuring that this country has the best possible intelligence capability—one that is effective, efficient, and operates in a manner fully consistent with American laws and values. The Vice Chairman and I have not always agreed on every aspect of every issue, although the areas of disagreement have been remarkably rare. Senator KERREY has always approached these issues with characteristic grace and good humor. A determined advocate, he nevertheless finds ways to work through problems in a principled manner totally devoid of partisanship. As those of you who have had the privilege to serve on the Intelligence Committee know, the issues do not all have the glamour of James Bond adventures or the sensationalism of front page scandals. Senator KERREY has shown a willingness and an acumen for tackling even the most technical and obscure aspects of the committee's work where the effectiveness of our intelligence capability is at stake.

Senator KERREY's outstanding attributes are echoed in his staff director for the committee, Chris Straub. Mr. Straub has brought the same kind of nonpartisan professionalism to his work for the committee over the past 8 years. I have always found Chris fair, tough, and knowledgeable.

I also want to recognize Art Grant, the minority deputy staff director, whose command of the complex and at times arcane world of intelligence satellites has contributed greatly to the committee's oversight responsibilities in this area.

Which brings me to the committee's staff director, Charles Battaglia. When I first joined the committee in 1984, I was determined to hire a staff person with extensive intelligence experience and an excellent reputation within his field. I was lucky enough to find someone who not only had these qualities but also possessed the patience, perspective, and perseverance that are essential to a successful working relationship in this hectic institution. It was Charles Battaglia who urged that the committee move from the designee system, where each Member could bring on their own staff person—often resulting in staffers with little or no intelligence background who's focus was more on individual Member issues than on the core work of the committee—to a fully professional, nonpartisan staff. This was not an easy transition, but Charles Battaglia has managed to ensure Members' needs are met without sacrificing the essential work of the committee staff. The result is a stronger, more cohesive staff and committee. Mr. Battaglia has been an excellent manager, valued adviser, and good friend.

In addition, I would like to thank the other members of the committee staff, particularly Suzanne Spaulding, the committee's general counsel, and her legal staff, Mark Heilbrun and John Bellinger, for their hard work on this legislation and on the many legal issues which have confronted the committee over the last 2 years; senior staff member Ed Levine, who has led the committee's inquires into issues such as the flow of Iranian arms into Bosnia and human rights abuses in Guatemala, managing to draft committee reports on these potentially divisive issues in a manner that is fair, accurate, and thorough; the committee's budget director, Mary Sturtevant, whose mastery of every nook and cranny of the dispersed and complex intelligence community apparatus has been essential to our oversight function; and Pat Hanback, whose audit team has provided professional, detailed reviews of areas of oversight concern and has made many important recommendations for improvements.

I would like to express my gratitude as well to the committee's support staff for its professionalism in the face of continuing demands. Jim Wolfe, the committee's security director, and his staff did yeoman work in successfully maintaining the security of a vast array of classified material. Kathleen McGhee, the committee's chief clerk, and the rest of the staff literally made the engine run. I will thank each of them personally at a later time.

Mr. President, the outstanding efforts of the entire committee staff and membership is reflected in this Intelligence Authorization Act for Fiscal Year 1997 and I urge its passage.

THE SENATE SELECT COMMITTEE ON INTELLIGENCE: TWENTY YEARS OF INTELLIGENT OVERSIGHT

The Senate Select Committee on Intelligence was established in 1976 directly as a result of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, or the Church Committee, which was set up to examine allegations of intelligence abuses by various intelligence agencies. The findings of this Committee were ample evidence that existing Congressional mechanisms were inadequate to meet the need for continual, focused, institutionalized oversight of the Intelligence Community.

The Intelligence Committee responded promptly to the need for changes highlighted by the Church Committee. Working with the Judiciary Committees of each house, the intelligence committees developed legislation known as the Foreign Intelligence Surveillance Act of 1978 which, for the first time, required that a court order be obtained from a special court established under the Act as a condition for undertaking electronic surveillance for intelligence purposes within the United States. Prior to that time, such surveillance had been carried out without a search warrant or court order, pursuant to the asserted constitutional authority of the President. The Committee, in the 95th Congress, also was the first to begin work on legislation to address the problem of ''Graymail'', i.e., the threat by defendants to disclose highly classified information if they were prosecuted. The committees were instrumental in the enactment of the Classified Information Procedures Act of 1980, which established statutory procedures for handling classified information involved in a Federal criminal proceeding.

Perhaps the most striking fact that we encounter when we look back 20 years, however, is how many of the issues then confronting the Committee are still relevant. Hearings were held in 1977 on the question of whether or not to declose the bottom line amount of the intelligence budget, a question with which we are still wrestling. The Committee looked into the involvement of the National Security Agency in developing the Data Encryption Standard. Today, we are looking into the development of new encryption standards in an effort headed by NSA. Again, in the 95th Congress the Committee published a case study on ''Activities of 'Friendly' Foreign Intelligence Services in the United States.'' Presently, in Congress we are looking into activities within the continental United States of the intelligence services of allies and adversaries in the field of economic espionage. The Committee also published its first report on terrorism in the 1970's.

One of the most important activities of the Senate Select Committee in the 1970's was its involvement in S. 2525, The National Intelligence Reorganization and Reform Act of 1978, for out of this effort was born the duty of the Intelligence Community to ensure that both the House and Senate Intelligence Committees were ''fully and currently informed of all the national intelligence activities,'' to include, ''any significant anticipated intelligence activity.'' This has proven to be central to the Committee's ability to carry out its oversight responsibilities.

As we moved into the 1980's, a new Administration brought a new Director of Central Intelligence. The legislative underpinnings in place were to be sorely tested in the coming years, but in the end, they held up under great pressure. In the early 1980's the Committee looked into and reported on such disparate matters as the U.S. capability to monitor the SALT II treaty; Soviet succession; political violence in El Salvador; the Soviet presence in the United Nations; unrest in the Philippines; and renewed counterintelligence and security concerns in the United States. In 1983 the Committee hired, as a full time staff employee, a Court Reported because of the sensitivity of hearing information. The Select Committee on Intelligence remains the only Committee of either House to have a Reporter as a staffer.

In late November 1986, the Select Committee on Intelligence was the first Committee to begin an investigation into the Iran-Contra matter. Between the initiation of its investigation on December 1, 1986, and the publication of its public report on January 29, 1987, the Select Committee held over 50 hearings and interviews into the Iran-Contra matter. Following these events, S. 1721, the Intelligence Oversight Act of 1987, and S. 1818, the National Security Act of 1987, were introduced and brought clearly into focus the need for agreement between the Administration and the Congress on reporting requirements and covert action finding notification.

The Committee reported on many other matters of concern during 1987 and 1988. An extensive investigation resulted in a report on the security at the United States mission in Moscow and other areas of high risk. An exhaustive Committee and staff inquiry resulted in the publication of a report on the monitoring and verification of the Treaty on the Elimination of Intermediate-Range and Shorter Range Missiles, the INF Treaty. The Committee further investigated and reported on the FBI's mishandling of a domestic case involving the Committee in Solidarity with the People of El Salvador, or CISPES. While the Committee determined that there were improprieties in the FBI investigation, it also determined that this was an aberration, and that the Bureau continually held to the high standards that were demanded of it.

The 1980's were also the ''Decade of the Spy.'' By the end of 1987, over 20 Americans had been implicated in espionage or were investigated on counterintelligence grounds. In hindsight, we now know that beginning with the Walker-Whitworth, Pollard and Pelton cases in 1985, was Aldrich Ames, who began his traitorous career in 1985 and lasted until 1994.

Following hearings in 1987 and 1988, the Committee established an independent Inspection General for the CIA. This legislation was included in the Intelligence Authorization Act of 1990, and the first statutory Inspection General at the Central Intelligence Agency was confirmed in the fall of that year.

In the aftermath of the Iran-Contra affair, legislation was introduced with the objective of clarifying the roles of the President and the Congress in approving and overseeing intelligence activities, particularly covert actions. The legislation also provided that Presidential finding must be written, and defined what a covert action is and is not. After much negotiation, the FY 1991 bills was signed into law in August 1991.

Convinced of the growing threat posed to international stability by the proliferation of weapons of mass destruction, the Committee, through the FY91 Intelligence Authorization Bill, instructed the DCI to establish a mechanism to deal with these growing threats. This led to the development of the DCI's Nonproliferation Center to look into the spread of chemical biological and nuclear weapons.

Robert M. Gates, who had been Deputy Director of Central Intelligence under Director Casey, had been nominated for the position of DCI after Director Casey's death in 1987. He pulled his nomination when Members raised questions about his role in Iran-Contra. In mid-1991 he was again nominated to the Director of Central Intelligence. The confirmation hearings for Mr. Gates to be

DCI in September and October 1991 were unprecedented in terms of their scope and substance. Eight days of hearings were held, including seven in public session. The nominee's role in the so-called Iran-Contra affair was explored at length, as were allegations that during the tenure of the nominee as Deputy Director for Intelligence the nominee undertook actions resulting in the ''politicization'' of intelligence, or the shaping of intelligence for political purposes. At the conclusion of the Committee's inquiry, the Committee issued a 225 page report of its findings. In the end, the nomination was approved by the Committee and subsequently approved by the full Senate.

In October 1992, the Committee began an inquiry into the Intelligence Community's role in the Banca Nazionale del Lavoro, or BNL, affair. This initial inquiry by the Committee resulted in a full staff investigation of the matter. After an intensive investigation, the staff prepared a 163 page report released on February 4, 1993, which focused on the Intelligence Community's involvement in the affair, and found numerous institutional weaknesses in the relationship between intelligence and law enforcement, as well as serious errors in judgment by officials of the CIA, the Defense Intelligence Agency, and the Department of Justice.

Other efforts by the Committee in 1992 included the Assassination Materials Disclosure Act of 1992, which fostered the release of materials concerning the assassination of President John Kennedy; a report on the Treaty on the Reduction of Limitation of Strategic Offensive Arms, or START; and many other activities surrounding chemical, biological, and nuclear weapons, Iraqi disarmament, covert action, and so forth.

Counterintelligence rose to the fore with the February 1994 arrest of CIA employee Aldrich Ames. After extensive hearings the Committee issued an analysis of the Ames case in November 1994. In addition to criticizing the leniency of the internal disciplinary actions promulgated by the DCI, the Committee found ''numerous and egregious'' shortcomings in the handling of the Ames case. In its report, the Committee proposed 23 separate recommendations for change at the agency.

Counterterrorism jumped to the front with the January 1993 murder of two CIA employees at the main gate to CIA headquarters, and a month later the bombing of the World Trade Center in New York City.

Economic intelligence also emerged in the 1990's to lay claim to the time and assets of the Intelligence Committee and the Intelligence Community. Unfortunately, one of the more noteworthy events which combined the new direction of intelligence gathering with the continued and even enhanced need for counterintelligence occurred when the French government accused the CIA in France of targeting French government officials and high ranking officials in key French commercial firms. Six people were requested to leave the country, and several CIA personnel in other European cities were identified.

The Intelligence Committee requested the CIA Inspector General to ''analyze the events of this case in detail and report to the Committee on the mistakes that occurred and any necessary corrective measures.'' In the end, it was poor counterintelligence and poor tradecraft which led to the events in France.

The Committee, in addition, addressed such disparate issues as the Clipper Chip digital telephony, the North American Free Trade Agreement (NAFTA), Russian and East European organized crime, environmental intelligence, NSA support to law enforcement, as well as the traditional budget and program oversight.

Controversy, however, seems to have found a home in the Intelligence Community. Charges arose in the mid-1990's that the Central Intelligence Agency had been involved with and had knowledge of several events in Guatemala. The Committee, again through hearings, staff interviews and record reviews, investigated the events surrounding the abduction and murder of an American who ran a small hotel in Guatemala, Michael DeVine; the kidnapping, rape and torture of Sister Diana Ortiz; and the disappearing of Efraim Bamaca, a Guatemalan guerrilla married to an American, Jennifer Harbury. In each of these cases, claims have been made that the CIA had knowledge of or that agents of the CIA were involved in the events themselves.

Following up on information learned as a result of the Ames inquiry, the Committee investigated a series of events in the CIA's Intelligence Directorate where material prepared for the highest policymakers in the nation was inappropriately identified as to its source. For a period of time, intelligence that the CIA knew was from controlled or co-opted sources was delivered to policymakers without proper warnings that the reports did come from controlled sources.

The Committee is presently involved in investigating the role of U.S. officials in the flow of arms from Iran to Bosnia at a time when there were U.S. and UN sanctions active against such shipments.

Throughout this 20 year period, two things have stood true. The dedication of the Members of the Senate to this Committee—a Committee assignment which garners more headaches than headlines—and the dedication of a truly professional staff which handles the most sensitive material our nation produces. Since 1976, 61 Senators have served on the Senate Select Committee on Intelligence, and there have been a total of 221 staff members.

As the Senate begins its third decade of oversight of the Intelligence Community, it can look back with some pride on the successes of the institutional framework it established. Oversight of intelligence has indeed been conducted in the nonpartisan, focused manner intended. This pride must be tempered, however, with a serious examination of how this oversight can be improved. The Committee advocated one such improvement this year, with the effort to remove the eight-year term limit for membership. This restriction, initially put in place out of concern that members might become captives of the intelligence community over time, has proven unnecessary and counterproductive. The concern of cooptation has been belied by the unerring vigilance of long-time members such as Senators William Cohen and John Glenn, whose unswerving principles have led them to be both ardent advocates for and among the harshest critics of the intelligence community. Instead, the term limit has hampered the ability of the Committee to develop the kind of expertise, institutional memory, and dedication the complex field of intelligence requires. While the Committee failed in its effort to remove this limit this year, it will no doubt try again and eventually succeed.

Additional issues involving the Committee's ability to ensure that it is fully and currently informed of all intelligence activities, the Committee's relationship with other Senate committees, and measures which undermine the authorizing authority of the Committee may require further legislative efforts. Intelligence is a uniquely challenging area of Congressional oversight. Its activities must often be shrouded in secrecy, sheltered from the scrutiny of investigative journalists who so often uncover problems in other areas of government. It is essential, therefore, that Congress have sufficiently strong and effective institutional mechanisms to perform that crucial oversight.

Mr. KERREY. Mr. President, the conference report accompanying the fiscal year 1997 Intelligence Authorization Act highlights the results of significant efforts by many people. This bill creates important changes which will help to improve the Director of Central Intelligence's ability to manage the intelligence community and also improves oversight of the Nation's intelligence activities. It is an important step in reforming and renewing the intelligence community.

I would like to thank Chairman SPECTER for his bipartisan approach to the intelligence community's problems. Intelligence can become the topic of partisan debate if we are not careful to preserve its goal of providing the unvarnished truth to policy-makers—congressional as well as executive branch. Because of the important issues at stake, there have been many opportunities throughout this year for partisan politics to enter the intelligence community's analysis of what threatens our vital interests. But Chairman SPECTER has steadfastly resisted any effort in that direction. As his term as chairman comes to a close, I salute him for his wise and farsighted leadership during a period of great challenge for the Intelligence Committee. He turned those challenges into accomplishments, including the significant reforms contained in this conference report. Chairman SPECTER has also acted on behalf of the entire Senate to provide thorough and attentive oversight of this Nation's intelligence activities. In the process he has taken the bold, and I believe correct, course of convening frequent open oversight hearings to acquaint the public with these important issues, all the while protecting the secrecy of intelligence sources and methods. So I am proud to have served with Chairman SPECTER during this momentous two years, and to have been part of the process which produced the Intelligence Authorization Act for fiscal year 1997.

Chairman SPECTER and I have been supported by a superb staff effort led by a real intelligence professional, Charles Battaglia, the staff director of the Intelligence Committee. Mr. Battaglia followed a distinguished naval career with service at CIA, he knows this complex business from every angle, creates the conditions and prepares the tools Senators can use to get results. He also has every right to be proud of this bill.

I would also like to add my sincere thanks to the members of the House Permanent Select Committee on Intelligence. As some of my colleagues may recall, there was considerable disagreement between the House and Senate in last year's lengthy authorization conference. Not so this year. Although there were important differences between the two Houses at the beginning of the year, we resolved our differences

quickly because we realized the significance of our combined efforts. Chairman LARRY COMBEST, Ranking Member NORM DICKS, and the other members of the House Committee worked with us in a spirit of comity and the Senate can be proud of the product. We are returning to the Senate with an important piece of legislation.

Naturally, most of the programmatic work is classified. Nevertheless, as I mentioned when I helped introduce the Senate version of the bill, some of the most significant provisions are unclassified. The Office of the Director of Central Intelligence has been strengthened to allow him to manage the intelligence community much better. Among the most prominent of these are improved financial management procedures, strengthened delineation of authorities for collecting, analyzing, and disseminating intelligence, and better internal oversight of intelligence activities. In this bill, we have successfully preserved the equities of the Secretary of Defense so that intelligence support of military operations will be stronger than ever. We have also included important provisions to improve intelligence support of law enforcement. And, finally, there are also major improvements in support of our war against terrorism.

I cannot over-emphasize the importance of the bill's provisions to strengthen the Director of Central Intelligence's management of the intelligence community. I am aware of some senior intelligence officials to the Oversight Committees efforts to strengthen community management, specifically the creation of three new Presidentially-appointed, Senatorially confirmed Assistant Directors of Central Intelligence. I am reminded of the intense effort by some elements of the Department of Defense some years ago to undermine the Goldwater-Nichols reform of defense. As was the case then, we are told that strengthened management is, on the one hand, unnecessary and, on the other hand, unwieldy. I assure my colleagues that neither criticism is warranted.

Mr. President, the management of intelligence suffers from poor senior level management. The culprit is not a person. It is not a comment on the superb abilities of the current Director of Central Intelligence or his Deputy. Rather, it is a comment on the structure they inherited. As the Aspin-Brown Commission noted when it evaluated the intelligence community's readiness for the 21st century, the DCI faces a dilemma on managing the community which the current structure does not solve. He is relatively weak in his ability to manage the community and therefore spends most of his time as the principal intelligence adviser to the President and as the head of the CIA. The bill solves his dilemma by creating a new Deputy Director for Community Management. This new senior level official will be assisted by three Assistant Directors who will be functional managers of the intelligence community. One will handle administration, one will oversee analysis and production, and one will supervise intelligence collection.

In deciding which information to collect about our vital interests, four different and independent organizations every day set their own goals, priorities, and allocate resources. Except on a by-exception basis—and also during an annual budget review—neither the Director of Central Intelligence nor his staff have any idea of the duplication which exists, the relative effectiveness of one method of collection over another to break a tough intelligence target, or the marginal utility of procuring new systems to solve new problems. With all of the responsibilities pressing upon their daily lives, neither the Director nor his Deputy have the time to understand or direct daily the community's intelligence collection efforts. In response, the bill gives the DCI help in the form of an assistant whose sole purpose is to help him do what he already is responsible for doing—manage the collection of intelligence.

Similar problems exist in the areas of intelligence analysis and production. Today, CIA's analysts analyze military problems. The Defense Intelligence Agency analyzes political problems. The Department of State evaluates political and military problems. On a daily, weekly, or monthly basis, no one reviews—with any hope of changing the community's direction toward new problems—who is analyzing what throughout the community. Certainly, as part of the annual budget process, the DCI makes a quick review of the intelligence analysis structure supporting policy makers. But the DCI's annual review addresses analysis and production in only a cursory manner. He needs help. The bill gives him help in the form an assistant whose sole purpose is to help the DCI do what he already is responsible for doing—analyze and produce intelligence.

Perhaps most fragmented of all are the administrative programs of the various intelligence agencies. Each agency maintains separate administrative, personnel, security, and training programs. In 1992, Congress gave the DCI specific authority to consolidate and reduce duplication in these programs, but successive DCI's have done little to make use of this authority. Again, the DCI needs help. The bill gives him help in the form of an assistant DCI for administration.

Mr. President, in its confirmation of these new officials, the Senate must be vigilant in protecting intelligence from politicization. I expect the candidates for these positions to be life-long intelligence professionals approaching the pinnacle of their careers. I don't expect them to have political leanings that would affect their professional judgments, any more than I would expect such leanings in the career diplomats the Senate confirms to be Assistant Secretaries of State or in the career military officers the Senate confirms to be flag officers. I have also heard it argued that senatorial confirmation might make these intelligence officials less loyal or less responsive to their superiors. Looking again at the Assistant Secretaries of State and at the military, I see no empirical data to support this concern. I have high hopes that these officials will make our intelligence more timely and useful to all its customers, and I will use my role in the confirmation process to that end.

Mr. President, let me note two other provisions in the conference report of special interest to me. One provision modifies the House bill's prohibition on the CIA use of U.S. journalists as intelligence assets unless the President waived the prohibition and made a written certification. This procedure seemed to the Senate conferees to be too onerous and time consuming. We accepted Director Deutch's assurance that any CIA approach to a U.S. journalist would be extremely rare. But it seemed to us that such a rare occasion might also require speed, and the process to obtain a Presidential waiver and certification would take too long. Consequently the conferees agreed to give waiver authority to the President or the DCI. In either case, use of the waiver would be reported to the oversight committees.

Second, the conferees agreed to modify a Senate provision denying senior CIA personnel the possibility of accepting employment with a foreign country within 5 years of retirement. It seemed to us that security and the reputation of the service are best protected by a clear prohibition on such employment. Our compromise with the House reduced the period of prohibition from 5 years to 3 and provided authority for the DCI to waive the provision when foreign employment of a former senior official is in the U.S. interest. Nonetheless, I think we are sending a strong message with this provision and I support it.

The effort to bring the bill forward for final passage has not been easy. Significant change never is, and there is no object more resistant to change than the baroque bureaucratic structure that our intelligence community has evolved into since 1945. But the effort to bring the bill to this point has been worth it. It has been strengthened by the intense discussions it generated with the Director of Central Intelligence, the Department of Defense, and the other Senate committees. Quite correctly, each had strong concerns, and we have answered those concerns with an excellent bill. I urge my colleagues to support final passage of this important legislation.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President; I rise to express my concern regarding the fiscal year 1997 intelligence authorization conference report. I make these observations, not in my capacity as the chairman of the Armed Services Committee, but as an individual Senator

concerned about growth in Government bureaucracy.

I am particularly concerned by the fact that the intelligence conferees have decided to establish four new senior positions under the Director of Central Intelligence, all requiring Senate confirmation. In addition to a new Deputy Director, which the administration requested, the Intelligence Conferees have agreed to create three new Assistant Directors of Central Intelligence. The administration has clearly indicated its opposition to the establishment of these Assistant Director positions.

In my view, this is an unnecessary expansion of bureaucracy at a time when virtually every other area of Government is shrinking. There is no evidence that I am aware of to justify this growth. The Presidential commission that just completed its study of these matters, the Brown Commission, did not make such a recommendation, nor has the Director of Central Intelligence.

Since the organization of the Office of the Director of Central Intelligence does not come under the jurisdiction of the Armed Services Committee, Senator NUNN and I have not sought to oppose the establishment of these new positions on behalf of the Armed Services Committee, even though we agree that the case for their creation is not compelling. In the areas where the Armed Services Committee does have jurisdiction, the intelligence conference report has been adjusted to address concerns that Senator NUNN and I raised on behalf of the Armed Services Committee and the Department of Defense. Since the Intelligence Conferees addressed these concerns in a satisfactory manner, Senator NUNN and I have agreed not to oppose the intelligence conference report.

Notwithstanding our general satisfaction with the intelligence authorization conference report, Senator NUNN joins me in registering opposition to what we view as an unwarranted expansion of intelligence bureaucracy. It is my intent to follow this matter closely in the future. The executive branch may choose not to fill these positions. Nevertheless, I plan to reexamine the legislation establishing these new positions during the 105th Congress.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the conference report appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

ANIMAL DRUG AVAILABILITY ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 2508, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2508) to amend the Federal Food, Drug and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2508) was deemed read the third time, and passed.

NATIONAL MAMMOGRAPHY DAY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and that the Senate turn to the immediate consideration of Senate Resolution 295.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 295) to designate October 18, 1996, as ''National Mammography Day.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, that the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 295

Whereas according to the American Cancer Society, 184,300 women will be diagnosed with breast cancer in 1996, and 44,300 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas, the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease than a woman at age 50;

Whereas, at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas, mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas, experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives; and

Whereas, mammograms can reveal the presence of small cancers of up to 2 years or more before regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives: Now, therefore, be it.

Resolved, That the Senate designates October 18, 1996, as ''National Mammography Day''. The Senate requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

AUTHORITY TO PRINT REPORT AS SENATE DOCUMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the report mandated by Public Law 101–423, entitled ''Final Report to Congress on the Joint Resolution to Establish a National Policy on Permanent Papers,'' be printed as a Senate document, and I ask further that 300 additional copies be made available for use of the Joint Committee on the Library.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I am pleased to call to the attention of my colleagues—especially those who cosponsored my legislation establishing a national policy on permanent paper—the final mandated report to the Congress on progress in reaching the objectives of that policy. That legislation, which became Public Law 101–423 on October 12, 1990, stated that:

It is the policy of the United States that Federal records, books, and publications of enduring value be produced on acid free permanent papers.

The Librarian of Congress, the Archivist of the United States, and the Public Printer were required to make three progress reports to the Congress over a 5 year period, and the last of these has now been made, reporting developments through 1995. This latest report is a record of remarkable progress and I am pleased that it will be printed as a Senate document.

When I first introduced a permanent paper bill in October 1988, almost all documents and publications produced by the Federal Government or by Federal funds were on acidic papers with a useful life of less than 100 years. These papers had been in general use since the mid-19th century. The Federal Government was not unique. State and local governments and private publishers all used such papers.

Librarians and archivists had for some time expressed their concerns about the loss of irreplaceable historical, cultural and scientific books, publications and other records. Many millions of dollars were already being spent by research libraries, foundations, and State and Federal governments either to save these materials by deacidification or to preserve their contents by microfilming—both costly processes.

I might note that when the present Librarian of Congress, James H. Billington, appeared before the Senate

Committee on Rules and Administration for his confirmation hearing on July 14, 1987, he described at considerable length the deterioration of the holdings of our national library. In response to our questions, he told us that he regarded the problem of ''brittle books'' as a major one, both retrospectively, in terms of salvaging the records of the last century and a half, and prospectively, in terms of preventing continuation of the problem. He spoke of the need for ''mobilizing informed opinion to assure that we get a better response from those who publish, so that this problem is not with us in the future.''

It was by no coincidence that an active campaign to ''mobilize informed opinion'' ensued thereafter. Many people throughout the library community were actively involved, but I would particularly like to cite the efforts of Robert Frase, former vice president and economist of the Association of American Publishers. Mr. Frase was instrumental in conceiving and helping to bring to fruition the resolution to establish a National Policy on Permanent Paper, which as I indicated, was first introduced in 1988.

Looking back at the short span of eight years since that time, one is struck by the relatively low level of activity in permanent paper production that then prevailed. Research had demonstrated that the deterioration of papers produced from mid-19th century onward was caused by chemicals in a process using wood pulp rather than rags as raw material. The resulting acidic papers began to yellow and crumble (hence the term ''brittle books'') within a few decades, while the earlier rag papers continued to last for centuries. Research financed by the Council on Library resources and others, however, had demonstrated that wood pulp based papers could be produced by an alkaline process, resulting in estimated useful lives comparable with the old rag papers. A small amount of such papers was actually being produced.

What was required at that point was an increased awareness of the problem and a dramatic demonstration that something was going to be done about it. This would then lead to an increased demand for new papers, and in turn induce paper mills to convert to an alkaline process. Increased production would result in lower costs and prices competitive with acidic papers. The American Library Association started the ball rolling by passing its first resolution on this subject in January 1988. After my first bill was introduced in October of that year it was promptly endorsed by another ALA resolution in early 1989. This led to similar resolutions by other U.S. organizations and then by the International Federation of Library Associations and Institutions [IFLA] and the International Publishers Association later in 1989.

A big and prominent institution was needed to provide the impact of taking the first step into an action program, and the U.S. Government was an obvious choice. Its responsible agencies—the Library of Congress and National Archives—were well aware of the issues and the enormous problems and costs which were building up for the future unless alkaline paper came into general use; it was the world's largest producer of publications and documents; and its example would have a profound influence both at home and abroad. These were the considerations that led to the introduction of the bills that became Public Law 101–423 —my Senate Joint Resolution 57 and Representative PAT WILLIAMS' House Joint Resolution 226, both in early 1989.

Public Law 101–423 did not mandate the use of alkaline papers by Federal agencies. To have done so would have been impractical because the supply of such papers was limited and the price uncompetitive. But by establishing a policy and a goal, it set a process in motion which in a period of a few years would achieve the same results.

An important technical prerequisite to realizing the goal was the establishment of a clear definition of the term ''acid free permanent paper.'' Since the most important factor in paper deterioration is acidity any long-lived paper must be acid free, or alkaline. To be permanent, however, a paper must conform to additional technical specifications, the most widely recognized of which is designated as the American National Standard and often referred to by the acronym ANSI/NISO. The technical designation is ''American National Standard for Permanence of Paper for Publications and Documents in Libraries and Archives, ANSI/NISO Z39.48–1992.'' As a practical matter, companies deciding to produce alkaline paper can easily take the small further steps required to produce permanent paper meeting the ANSI/NISO standard.

An important feature of Public Law 101–423 was a monitoring device to help ensure that the national policy was actually being carried out, and that device is the requirement that three progress reports be made to the Congress on December 31, 1991, 1993, and 1995, by the Librarian of Congress, the Archivist of the United States, and the Public Printer. Although the 1995 report is the last to be required by law, these three officials have stated their intention to continue to monitor progress in achieving the goals of the legislation on an ad hoc basis. I welcome their decision, a sentiment I am sure is shared by the many members of Congress who have taken an interest in this matter, as well as those in the library, archival, scholarly and historical professions throughout the world. I urge that these progress reports continue to be issued every 2 years through the rest of this century.

PROGRESS IN THE FEDERAL GOVERNMENT

Since Public Law 101–423 focused on the production of Federal records, books and publications of enduring value on acid-free permanent paper, I am very pleased to note that the third report documents a number of very encouraging developments in this regard. Here are some of the most notable:

The National Archives and Records administration has circulated widely bulletin No. 95–7, Procurement of Writing, Copying, and Printing Papers for Federal Records, which provides guidance to Federal agencies in the use of alkaline and permanent papers. Permanent or alkaline papers are recommended for all Federal records; at least alkaline for routine use; and permanent in offices that create and file a high proportion of long-term and permanent records.

There has been a notable increase in the availability of permanent and alkaline paper for Government use. When Public Law was enacted in 1990, the Joint Committee on Printing listed only one grade of permanent paper. In 1995 it had four; plus 16 grades of alkaline paper.

The General Services Administration provides papers for purchase by Federal agencies that match the standards set by the Joint Committee on Printing.

The executive branch has ruled that the requirements of Executive Order 12873 mandating the use of recycled paper by Federal agencies are not to conflict in any way with the concurrent requirement for permanent paper use.

The National Endowment for the Humanities and the National Historical Records Commission mandate the use of permanent and alkaline papers in projects they fund.

The National Library of Medicine has carried on a remarkably successful, and little recognized, campaign to ensure that the world's biomedical journals are printed on alkaline or permanent paper. This effort was started in 1988. Then only 4 percent of the 3,000 journals throughout the world that were indexed in the Library's Index Medicus were being printed on alkaline paper. Due in large part to the Library's campaign, this figure had risen by April 1995 to 91 percent.

PROGRESS IN THE PRIVATE SECTOR

The ultimate success of the permanent paper campaign depends on inducing changes in the nongovernmental sector. Governments—Federal, State, and local—primarily produce documents, many of which, of course, need to be preserved. But publications, the carriers of our literature, culture, history and science, are overwhelmingly produced by private publishers, profit and nonprofit. These publishers had to be persuaded to use permanent paper and the paper mills had to be persuaded to produce it. Publishers would not use permanent paper, even if they thought they should, because it was not easily available at competitive prices. Paper manufacturing companies saw no reason to shift to an alkaline process lacking a strong demand from publishers.

It was here that the development of standards for permanent paper played

an important role. These were developed primarily in the private sector by a collaborative effort of profit and nonprofit organizations, but with participation also of Government agencies. Such standards enable publishers to state their permanent paper requirements without having to develop, by themselves, the specifications included in their paper purchasing contracts. We have already taken note of the 1992 American National Standard ANSI/NISO, which was first developed by the library and publishing committee of the American National Standards Institute in 1984 and subsequently revised and expanded in 1992. Standards had also been developed by the American Society for Testing and Materials and the Council on Library Resources. Since publishing, paper manufacturing, and libraries are not confined to national boundaries, it was appropriate that an international standard for permanent paper compatible with the American standard should be published in 1994.

In the spring of 1988, the New York Public Library began a campaign, jointly with well-known authors, to get book publishers to use alkaline or permanent paper. Public pledges to this effect were secured from prominent publishing houses. The industry trade group, the Association of American Publishers, gave its endorsement to the campaign. University presses—publishers of scholarly, scientific, and historical works, had earlier recognized the problem of paper deterioration and had begun to use alkaline paper for their relatively small editions. They have not only been the most faithful in doing so, but also in noting this fact in the books themselves and in the bibliographic information provided to the Library of Congress under the Cataloging in Publication program.

But the most gratifying development in the private sector in the past several years has been the great increase in the production of permanent papers in the United States and Canada. A 1988 report of the Congressional Office of Technology Assessment had estimated that only 15 to 25 percent of the books produced in the United States were on acid-free paper and predicted that this percentage was unlikely to change. It now appears that this prediction has proven to be unduly cautious.

Two indications of this production increase may be noted. The first is the fact that 99.9 percent of book papers procured through bulk purchase by the Government Printing Office in 1995 were alkaline. The second is the information provided in North American Permanent Papers 1995, published as a public service by Abbey Publications of Austin, Texas. This catalog of papers produced by 34 United States and Canadian companies lists by brand name 423 different papers that are reported to meet the specifications of the 1994 ANSI/NISO permanent paper standard.

The great increase in permanent paper production has come about primarily through the conversion of existing paper mills from acid to alkaline processes, a shift encouraged by regulations issued under the Clean Water Act, requiring the reduction of pollution of streams by the effluent of paper mills. Conversion to an alkaline process reduces this pollution, but also results in the production of paper at the same or lesser cost. The happy result was that environmental preservation helped to promote the availability of acid-free paper.

PROGRESS IN THE STATES

Connecticut led the way to conversion to permanent paper at the State level. As a result of a campaign led by the State Librarian, the first statute was enacted in 1988. Subsequently additional legislation extended the use long-lived paper to most State and local documents. In later years many other States took action, either by legislation or administrative rulings, to require alkaline or permanent paper use to some degree. But few went as far as Connecticut. The progress of State legislation was stimulated by three letters to State Governors from the U.S. National Commission on Libraries and Information Services calling attention to developments under the Federal law and requesting information on State activity. The last such survey, jointly with the Library of Congress, was conducted in July 1995. In the third report the following 21 States were listed as having taken some kind of action: Arizona, Colorado, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Montana, Nebraska, New Mexico, North Carolina, Rhode Island, South Dakota, Tennessee, Virginia, Washington, West Virginia, and Wisconsin. Utah has now been added to that list.

INTERNATIONAL

The international library community had long been aware of the problem of brittle books. The subject was discussed as early as the 1920's at a conference in Europe. It was not until 1989, however, that the first resolution urging action was adopted by the International Federation of Library Associations and Institutions [IFLA]. A similar resolution was adopted that same year by the International Association of Publishers. Note has already been taken of the impact of the program of the U.S. National Library of Medicine on biomedical journals throughout the world.

Nevertheless, until recently European publishers and governments lagged behind this country. A 1993 survey of 142 publishers in 17 European countries reported that: 31 did not know that most currently used book paper becomes brittle after 50 years; and 90 were unaware of the ANSI/NISO permanent paper standards. Governments, with some notable exceptions, have been slow to require the use permanent paper by legislation or administrative regulations, even with respect to their own publications and documents. The same has been true of the agencies of the United Nations. But in the last couple of years the pace has picked up. A number of European organizations, both official and private, are now actively promoting permanent paper. European paper manufactures contributed to a 1994 catalog listing about 100 different permanent papers being sold by 26 paper mills or their agents—papers meeting the specifications of the 1992 American National Standard.

SUMMARY

It is now 9 years since I first raised the question with Librarian of Congress Billington as to whether something could not be done to bring to an end the indefinite production of brittle books. Enormous progress been made—at least in the United States, in Canada, in much of Europe, and in Japan—in the production of books, other publications, and documents on paper which should endure for several centuries, instead of self-destructing in less than 100 years. Many individuals and organizations, public and private, have contributed to this result—some known to me and others not. I note once again the efforts of Robert Frase in this connection. We owe them all a debt of gratitude. I celebrate the fact that the Congress and Federal agencies have made major contributions to this progress in a variety of ways, not the least of which has been through the passage and the implementation of Public Law 101–423 to establish a National Policy on Permanent Papers.

EXTRADITION OF MARTIN PANG FROM BRAZIL TO THE UNITED STATES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 132, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 132) relating to the extradition of Martin Pang from Brazil to the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, on January 5, 1995, four firefighters were killed in a blaze in Seattle's International District. After intensive investigations by the Seattle police and fire departments, the King County Prosecutor's Office, the U.S. Attorney General's Office, and the Bureau of Alcohol, Tobacco and Firearms, Martin S. Pang was charged with deliberately setting his parents' seafood warehouse on fire to collect insurance money. In January of 1995, Mr. Pang fled to Brazil where he stayed until March 1, 1996. He was extradited on the condition that murder charges not be brought against him.

The focus of this resolution is on that extradition, and why those conditions should be waived by the Brazilian Government to see that justice is fully served. You see, Mr. President, under the extradition treaty we have with Brazil, criminal suspects may only be extradited to face charges for crimes that exist in both countries. In Brazil, murder as a result of arson is not a crime. It is in the United States.

Martin Pang's pretrial hearing is scheduled for October 8, 1996. Under the conditions of our extradition treaty, the Brazilian Supreme Court ruled that Pang could be returned to the States to face arson charges only. Murder, a crime of which he has been accused and which he should stand trial for, is not an option. There is recourse, however. The United States Government believes that under our extradition treaty, the executive branch of Brazil has the authority to consent to the prosecution of Martin Pang on felony murder charges, despite the Brazilian Supreme Court's ruling. By doing so in this case, Brazil would give its consent for the United States to try Pang on all of the charges which have been brought against him.

This resolution sends a strong message to the Brazilian Government. Four firefighters died doing their job honorably. It is no less our responsibility to see that the accused be tried for the full scope of his crime.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be deemed agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 132) was agreed to.

RAILROAD UNEMPLOYMENT INSURANCE AMENDMENTS ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2594, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2594) to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2594) was deemed read a third time, and passed.

MEDICARE AND MEDICAID COVERAGE DATA BANK

Mr. GRASSLEY. I ask unanimous consent that the Finance Committee be discharged of H.R. 2685, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2685) to repeal the Medicare and Medicaid Coverage Data Bank.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2685) was deemed read for a third time and passed.

SOCIAL SECURITY ACT AMENDMENT

Mr. GRASSLEY. I ask unanimous consent the Finance Committee be discharged of H.R. 2366, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2366) to repeal an unnecessary medical device reporting requirement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2366) was deemed read for a third time and passed.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 AMENDMENT

Mr. GRASSLEY. I ask unanimous consent the Finance Committee be discharged of H.R. 3056, and further the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3056) to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health ensuring organizations under the Medicaid Program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements pertaining to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3056) was deemed read for a third time and passed.

NATIONAL PHYSICAL FITNESS AND SPORTS FOUNDATION ESTABLISHMENT ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 550, and that happens to be S. 1311.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1311) to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5403

(Purpose: To make minor and technical changes in the bill as reported)

Mr. GRASSLEY. Senator PRESSLER has an amendment at the desk that would make technical corrections. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. PRESSLER, proposes an amendment numbered 5403.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 8, strike ''nonprofit'' and insert ''not for profit''.

On page 2, line 10, after the period insert the following: ''The Foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and shall be presumed, for purposes of such Code, to be such an organization until the Secretary of the Treasury determines that the Foundation does not meet the requirements applicable to such an organization. Section 508(a) of such Code does not apply to the Foundation.''.

On page 5, line 8, after the period, insert the following: ''The three members appointed by the Secretary shall include the representative of the United States Olympic Committee.''.

On page 5, line 21, after the period insert the following: ''The Chairman of the President's Council on Physical Fitness shall

serve as Chairperson until a Chairperson is elected by the Board.''.

On page 12, line 4, strike ''contributions,'' and insert ''contributions,''.

Mr. PRESSLER. Mr. President, I am pleased to bring to the Senate S. 1311, the National Physical Fitness and Sports Foundation Establishment Act. S. 1311, would create a charitable, not-for-profit foundation to actively raise private funds to support the activities of the President's Council on Physical Fitness, President's Council.

In the past, the President's Council has relied on Federal appropriations to support its activities. Future appropriations for the President's Council are unlikely as we strive to balance the Federal budget.

The Foundation created by this bill would raise private funds to sustain the President's Council on Physical Fitness. To facilitate fund-raising, the Foundation is permitted to offer the use of the seal of the President's Council for promotional purposes in exchange for sponsorship funds. The bill does not authorize the expenditure of Federal funds.

The goals of the President's Council are identified in Executive Order 12345. The primary goal is to foster programs that encourage people of all ages to participate regularly in sports and physical activities. Perhaps the Council's most well known activity is the President's Challenge Physical Fitness Awards Program which is administered by teachers and youth programs in every State. We should act to preserve the President's Council. Its activities are particularly important because our Nation's children are becoming increasingly less physically fit even as we learn that physical fitness in one's youth is important to living a healthy life during adulthood.

Senators CAMPBELL and BRADLEY introduced this bill in October 1995. The Committee on Commerce, Science, and Transportation unanimously ordered the bill reported on June 6, 1996. I have an amendment that makes certain technical modifications to the bill. I urge my colleagues to support this worthy legislation.

Mr. GRASSLEY. I ask unanimous consent the amendment be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5403) was agreed to.

The bill (S. 1311), as amended, was deemed read for a third time and passed as follows:

S. 1311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Physical Fitness and Sports Foundation Establishment Act''.

SEC. 2. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Physical Fitness and Sports Foundation (hereinafter in this Act referred to as the ''Foundation''). The Foundation shall be a charitable and not for profit corporation and shall not be an agency or establishment of the United States. The Foundation shall be established as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and shall be presumed, for purposes of such Code, to be such an organization until the Secretary of the Treasury determines that the Foundation does not meet the requirements applicable to such an organization. Section 508(a) of such Code does not apply to the Foundation.

(b) PURPOSES.—It is the purpose of the Foundation to—

(1) in conjunction with the President's Council on Physical Fitness and Sports, develop a list and description of programs, events and other activities which would further the goals outlined in Executive Order 12345 and with respect to which combined private and governmental efforts would be beneficial; and

(2) encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities.

(c) DISPOSITION OF MONEY AND PROPERTY.—At least annually the Foundation shall transfer, after the deduction of the administrative expenses of the Foundation, the balance of any contributions received for the activities referred to in subsection (b), to the Public Health Service Gift Fund pursuant to section 231 of the Public Health Service Act (42 U.S.C. 238) for expenditure pursuant to the provisions of that section and consistent with the purposes for which the funds were donated.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the ''Board''), which shall consist of nine Directors, to be appointed not later than 90 days after the date of enactment of this Act, each of whom shall be a United States citizen and—

(A) three of whom must be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports or the relationship between health status and physical exercise; and

(B) six of whom must be leaders in the private sector with a strong interest in physical fitness, sports or the relationship between health status and physical exercise (one of which shall be a representative of the United States Olympic Committee).

The membership of the Board, to the extent practicable, shall represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports and similar activities.

(2) EX OFFICIO MEMBERS.—The Assistant Secretary for Health, the Executive Director of the President's Council on Physical Fitness and Sports, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute and the Director for the Centers for Disease Control and Prevention shall serve as ex officio, nonvoting members of the Board.

(3) NOT FEDERAL EMPLOYMENT.—Appointment to the Board or serving as a member of the staff of the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal employment or other law.

(b) APPOINTMENT AND TERMS.—

(1) APPOINTMENT.—Of the members of the Board appointed under subsection (a)(1), three shall be appointed by the Secretary of Health and Human Services (hereinafter referred to in this Act as the ''Secretary''), two shall be appointed by the Majority Leader of the Senate, one shall be appointed by the Minority Leader of the Senate, two shall be appointed by the Speaker of the House of representatives, and one shall be appointed by the Minority Leader of the House of Representatives. The three members appointed by the Secretary shall include the representative of the United States Olympic Committee.

(2) TERMS.—Members appointed to the Board under subsection (a)(1) shall serve for a term of 6 years. A vacancy on the Board shall be filled within 60 days of the date on which such vacancy occurred in the manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the balance of the term of the individual who was replaced. No individual may serve more than two consecutive terms as a Director.

(c) CHAIRPERSON.—A Chairperson shall be elected by the Board from among its members and serve for a 2-year term. The Chairperson shall not be limited in terms or service. The Chairman of the President's Council on Physical Fitness shall serve as Chairperson until a Chairperson is elected by the Board.

(d) QUORUM.—A majority of the sitting members of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairperson, but in no event less than once each year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and the vacancy filled in accordance with subsection (b)(2).

(f) REIMBURSEMENT OF EXPENSES.—The members of the Board shall serve without pay. The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(g) GENERAL POWERS.—

(1) ORGANIZATION.—The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this Act; and

(C) undertaking such other acts as may be necessary to carry out the provisions of this Act.

In establishing bylaws under this paragraph, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

(2) LIMITATIONS ON OFFICERS AND EMPLOYEES.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to compensate such individuals for their service. No individual so appointed may receive pay in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service.

(B) The first officer or employee appointed by the Board shall be the secretary of the Board who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to physical fitness and sports.

(C) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as an officer or member of the Board of Directors or as an employee of the Foundation.

(D) Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with the policies developed under paragraph (1)(B)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall locate its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out the purposes under section 2, the Foundation shall have the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) except as otherwise provided herein, to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except for gross negligence;

(5) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(6) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For purposes of this Act, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

SEC. 5. PROTECTION AND USES OF TRADEMARKS AND TRADE NAMES.

(a) PROTECTION.—Without the consent of the Foundation, in conjunction with the President's Council on Physical Fitness and Sports, any person who uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance or competition—

(1) the official seal of the President's Council on Physical Fitness and Sports consisting of the eagle holding an olive branch and arrows with shield breast encircled by name ''President's Council on Physical Fitness and Sports'';

(2) the official seal of the Foundation;

(3) any trademark, trade name, sign, symbol or insignia falsely representing association with or authorization by the President's Council on Physical Fitness and Sports or the Foundation;

shall be subject in a civil action by the Foundation for the remedies provided for in the Act of July 9, 1946 (60 Stat. 427; commonly known as the Trademark Act of 1946).

(b) USES.—The Foundation, in conjunction with the President's Council on Physical Fitness and Sports, may authorize contributors and suppliers of goods or services to use the trade name of the President's Council on Physical Fitness and Sports and the Foundation, as well as any trademark, seal, symbol, insignia, or emblem of the President's Council on Physical Fitness and Sports or the Foundation, in advertising that the contributions, goods or services when donated, supplied, or furnished to or for the use of, approved, selected, or used by the President's Council on Physical Fitness and Sports or the Foundation.

SEC. 6. VOLUNTEER STATUS.

The Foundation may accept, without regard to the civil service classification laws, rules, or regulations, the services of volunteers in the performance of the functions authorized herein, in the same manner as provided for under section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)).

SEC. 7. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of Public Law 88–504 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Secretary and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with the purposes described in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threaten to do so;

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, en bloc: Calendar Nos. 747 through 755, and all nominations placed on the Secretary's desk in the Air Force, the Army, the Marine Corps, and the Navy. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general in the U.S. Air Force while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Joseph J. Redden, 000–00–0000.

The following-named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10 United States Code, sections 8374, 12201, and 12212:

To be brigadier general

Col. William J. Broadley, 000–00–0000, Air National Guard of the United States.
Col. Walter R. Ernst II, 000–00–0000, Air National Guard of the United States.
Col. Dennis A. Higdon, 000–00–0000, Air National Guard of the United States.
Col. Enrique J. Lanz, 000–00–0000, Air National Guard of the United States.
Col. Thomas P. Lauppe, 000–00–0000, Air National Guard of the United States.
Col. James A. McDevitt, 000–00–0000, Air National Guard of the United States.
Col. Joseph I. Mensching, 000–00–0000, Air National Guard of the United States.
Col. Fisk Outwater, 000–00–0000, Air National Guard of the United States.
Col. Lawrence L. Paulson, 000–00–0000, Air National Guard of the United States.
Col. Maxey J. Phillips, 000–00–0000, Air National Guard of the United States.
Col. Wallace F. Pickard, Jr., 000–00–0000, Air National Guard of the United States.
Col. Richard A. Platt, 000–00–0000, Air National Guard of the United States.
Col. John C. Schnell, 000–00–0000, Air National Guard of the United States.
Col. Allen J. Smith, 000–00–0000, Air National Guard of the United States.
Col. Paul J. Sullivan, 000–00–0000, Air National Guard of the United States.
Col. Michael H. Tice, 000–00–0000, Air National Guard of the United States.

ARMY

The following-named officers for promotion in the Regular Army of the United States to the grade indicated, under title 10, United States Code, sections 611(a) and 624:

To be brigadier general

Col. John P. Abizaid, 000–00–0000, U.S. Army.
Col. Daniel L. Montgomery, 000–00–0000, U.S. Army.

The following U.S. Army National Guard officer for promotion in the Reserve of the

Army to the grade indicated under title 10, United States Code, sections 3385, 3392 and 12203(a):

To be brigadier general

Col. Lloyd E. Krase, 000–00–0000.

The following U.S. Army National Guard officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code, sections 3385, 3392 and 12203(a):

To be brigadier general

Col. Paul J. Glazar, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Douglas D. Buchholz, 000–00–0000, U.S. Army.

The following-named Army Competitive Category officers for promotion in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be brigadier general

Col. Anders B. Aadland, 000–00–0000.
Col. Lawrence R. Adair, 000–00–0000.
Col. Robert E. Armbruster, Jr., 000–00–0000.
Col. Raymond D. Barrett, Jr., 000–00–0000.
Col. Joseph L. Bergantz, 000–00–0000.
Col. William L. Bond, 000–00–0000.
Col. Colby M. Broadwater III, 000–00–0000.
Col. James D. Bryan, 000–00–0000.
Col. Kathryn G. Carlson, 000–00–0000.
Col. John P. Cavanaugh, 000–00–0000.
Col. Richard A. Cody, 000–00–0000.
Col. Billy R. Cooper, 000–00–0000.
Col. John M. Curran, 000–00–0000.
Col. Peter M. Cuviello, 000–00–0000.
Col. Dell L. Dailey, 000–00–0000.
Col. John J. Deyermond, 000–00–0000.
Col. James M. Dubik, 000–00–0000.
Col. John P. Geis, 000–00–0000.
Col. Larry D. Gottardi, 000–00–0000.
Col. James J. Grazioplene, 000–00–0000.
Col. Robert H. Griffin, 000–00–0000.
Col. Richard A. Hack, 000–00–0000.
Col. Wayne M. Hall, 000–00–0000.
Col. William P. Heilman, 000–00–0000.
Col. Russel L. Honore, 000–00–0000.
Col. James T. Jackson, 000–00–0000.
Col. Terry E. Juskowiak, 000–00–0000.
Col. Geoffrey C. Lambert, 000–00–0000.
Col. William J. Leszczynski, 000–00–0000.
Col. Wade H. McManus, Jr., 000–00–0000.
Col. Richard J. Quirk III, 000–00–0000.
Col. William H. Russ, 000–00–0000.
Col. Donald J. Ryder, 000–00–0000.
Col. John K. Schmitt, 000–00–0000.
Col. Walter L. Sharp, 000–00–0000.
Col. Toney Stricklin, 000–00–0000.
Col. Frank J. Toney, Jr., 000–00–0000.
Col. Alfred A. Valenzuela, 000–00–0000.
Col. John R. Vines, 000–00–0000.
Col. Craig B. Whelden, 000–00–0000.
Col. Roy S. Whitcomb, 000–00–0000.
Col. Robert Wilson, 000–00–0000.
Col. Walter Wojdakowski, 000–00–0000.
Col. Joseph L. Yakovac, Jr., 000–00–0000.

The following-named officer for reappointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code section 601(a):

To be lieutenant general

Lt. Gen. Jay M. Garner, 000–00–0000.

The following U.S. Army National Guard officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code sections 3385, 3392 and 12203(a):

to be brigadier general

Col. Frank A. Avallone, 000–00–0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY+

Air Force nomination of Wendell R. Keller, which was received by the Senate and appeared in the Congressional Record of September 19, 1996.

Air Force nominations beginning Sean P. Abell, and ending Timothy T. Wilday, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Air Force nominations beginning Randall R. Ball, and ending David B. Gruber, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Air Force nominations beginning James E. Ball, and ending Phyllis M. Campbell, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Army nominations beginning Ernest R. Adkins, and ending Raymond F. Root, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Army nominations beginning William A. Ayers, Jr., and ending Jeffery Hart, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 1996.

Marine Corps nomination of Robert T. Bader, which was received by the Senate and appeared in the Congressional Record of September 13, 1996.

Marine Corps nomination of Wayne D. Szymczyk, which was received by the Senate and appeared in the Congressional Record of September 13, 1996.

Navy nominations beginning Brian G. Buck, and ending Eric M. Van Meter, which nominations were received by the Senate and appeared in the Congressional Record of November 7, 1995.

Navy nominations beginning Jeffery L. Bennett, and ending Steven A. Swittel, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 1995.

Navy nominations beginning Rufus S. Abernethy, III, and ending James A. Weselis, which nominations were received by the Senate and appeared in the Congressional Record of July 17, 1996.

Navy nominations beginning Glenn F. Abad, and ending Russell L. Wyckoff, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1996.

TRIBUTE TO JAMES McDEVITT

Mr. GORTON. Mr. President, today I want to recognize James A. McDevitt, who has just been promoted to brigadier general in the Washington Air National Guard. I take special pleasure in offering my congratulations because Jim is a friend and former colleague; for 5 years, he worked for me in the State attorney general's office as assistant attorney general. He is also my frequent host when I go to Spokane to run in the wonderful Bloomsday race.

Jim has served this country for three decades. He was trained as a navigator and bombardier, and went on to serve as a weapons systems officer and flight examiner in the late 1960's and early 1970's. His assignments took him to Korea, Thailand, Vietnam, Spain, Germany, and England.

In January 1971, Jim joined the 116th Fighter Interceptor Squadron, Washington Air National Guard, as a radar intercept officer in the F–101. When the unit converted to KC–135 Air Refueling aircraft, he became a navigator and has maintained that qualification since.

At the time of the gulf war, Jim was the squadron commander of the 116th Air Refueling Squadron. When hostilities broke out in August 1990, Jim and a group of Washington flyers volunteered for 30-day active duty tours. As the Nation faced a new crisis in the Middle East, the Guard stepped up. At first, most of their duties involved ferrying material from one air base to another, within the United States. Our victory in the gulf was due in no small part to the magnificent logical prowess of the U.S. Armed Services, and Jim contributed to America's success.

Throughout the months leading to actual combat, Jim continued volunteering for active duty work, making 2-week rotations all through September, October, and November. Jim's active duty call up came on December 20, 1990. Along with 325 brave men and women from the Spokane area, Jim deployed to the gulf region to be absorbed in the active duty Air Force. Half of Jim's squadron went to Cairo, Egypt. The other half, including Jim, flew to Jeddah, Saudi Arabia to join with active duty components. It is important to note here the adaptability of our Guard forces. With superior training and total dedication, the Washington State Air National Guard linked with the regular Air Force to form an active duty squadron—the 1709th Air Refueling Squadron provisional. Jim not surprisingly, was second in command.

With bankers, teachers, lawyers, housewives, contractors, judges, and active duty personnel, this squadron represented 50 airplanes, 80 crews, and 320 crew members for 8 different States. Home based in Jeddah, from the December 31 to January 15, 1991, Jim and his team planned now they were going to wage a war. They planned well.

As he tells it, the morning of January 16, 1991—the start of the war—was the most difficult day in Jim's life. Commanding officers were prohibited from flying in sorties during the first missions. So Jim had to wait and pray that his comrades, men and women he had flown with for 25 years, would come back safely. Of course they all performed brilliantly, as did Jim, and this Nation is better off for their hard work and patriotism.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, SEPTEMBER 26, 1996

Mr. GRASSLEY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until the hour of

9 a.m. on Thursday, September 26; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and I further ask the Senate immediately begin the veto message to accompany H.R. 1833, the partial-birth abortion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. GRASSLEY. For the information of all Senators, the Senate will vote on the veto message with respect to the partial-birth abortion bill, hopefully by early afternoon on Thursday. The Senate can also be expected to consider any and all of the following items: Immigration conference report, Presidio Park conference report, NIH authorization bill, the pipeline safety bill.

In addition, the Senate can also be expected to begin, if available, the omnibus appropriation bill making continuing appropriations for fiscal year 1997. Therefore, votes can be expected throughout Thursday's session of the Senate, and Senators should be prepared to be in session late each night for the remainder of the session in an effort to adjourn the 104th Congress prior to the new fiscal year, which begins Tuesday, October 1.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:33 p.m, adjourned until Thursday, September 26, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1996:

FEDERAL ELECTION COMMISSION

KELLY D. JOHNSTON, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001, VICE JOAN D. AIKENS, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH J. REDDEN, 000–00–0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 8374, 12201, AND 12212:

To be brigadier general

COL. WILLIAM J. BROADLEY, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WALTER R. ERNST II, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DENNIS A. HIGDON, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ENRIQUE J. LANZ, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. THOMAS P. LAUPPE, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES A. MCDEVITT, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOSEPH I. MENSCHING, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. FISK OUTWATER, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LAWRANCE L. PAULSON, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MAXEY J. PHILLIPS, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WALLACE F. PICKARD, JR., 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RICHARD A. PLATT, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN C. SCHNELL, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLEN J. SMITH, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PAUL J. SULLIVAN, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MICHAEL H. TICE, 000–00–0000, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be brigadier general

COL. JOHN P. ABIZAID, 000–00–0000, U.S. ARMY.
COL. DANIEL L. MONTGOMERY, 000–00–0000, U.S. ARMY.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be brigadier general

COL. LLOYD E. KRASE, 000–00–0000.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be brigadier general

COL. PAUL J. GLAZAR, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DOUGLAS D. BUCHHOLZ, 000–00–0000, U.S. ARMY.

THE FOLLOWING-NAMED ARMY COMPETITIVE CATEGORY OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. ANDERS B. AADLAND, 000–00–0000.
COL. LAWRENCE R. ADAIR, 000–00–0000.
COL. ROBERT E. ARMBRUSTER, JR., 000–00–0000.
COL. RAYMOND D. BARRETT, JR., 000–00–0000.
COL. JOSEPH L. BERGANTZ, 000–00–0000.
COL. WILLIAM L. BOND, 000–00–0000.
COL. COLBY M. BROADWATER III, 000–00–0000.
COL. JAMES D. BRYAN, 000–00–0000.
COL. KATHRYN G. CARLSON, 000–00–0000.
COL. JOHN P. CAVANAUGH, 000–00–0000.
COL. RICHARD A. CODY, 000–00–0000.
COL. BILLY R. COOPER, 000–00–0000.
COL. JOHN M. CURRAN, 000–00–0000.
COL. PETER M. CUVIELLO, 000–00–0000.
COL. DELL L. DAILEY, 000–00–0000.
COL. JOHN J. DEYERMOND, 000–00–0000.
COL. JAMES M. DUBIK, 000–00–0000.
COL. JOHN P. GEIS, 000–00–0000.
COL. LARRY D. GOTTARDI, 000–00–0000.
COL. JAMES J. GRAZIOPLENE, 000–00–0000.
COL. ROBERT H. GRIFFIN, 000–00–0000.
COL. RICHARD A. HACK, 000–00–0000.
COL. WAYNE M. HALL, 000–00–0000.
COL. WILLIAM P. HEILMAN, 000–00–0000.
COL. RUSSELL L. HONORE, 000–00–0000.
COL. JAMES T. JACKSON, 000–00–0000.
COL. TERRY E. JUSTKOWIAK, 000–00–0000.
COL. GEOFFREY C. LAMBERT, 000–00–0000.
COL. WILLIAM J. LESZCZYNSKI, 000–00–0000.
COL. WADE H. MCMANUS, JR., 000–00–0000.
COL. RICAHRD J. QUIRK III, 000–00–0000.
COL. WILLIAM H. RUSS, 000–00–0000.
COL. DONALD J. RYDER, 000–00–0000.
COL. JOHN K. SCHMITT, 000–00–0000.
COL. WALTER L. SHARP, 000–00–0000.
COL. TONEY STRICKLIN, 000–00–0000.
COL. FRANK J. TONEY, JR., 000–00–0000.
COL. ALFRED A. VALENZUELA, 000–00–0000.
COL. JOHN R. VINES, 000–00–0000.
COL. CRAIG B. WHELDEN, 000–00–0000.
COL. ROY S. WHITCOMB, 000–00–0000.
COL. ROBERT WILSON, 000–00–0000.
COL. WALTER WOJDAKOWSKI, 000–00–0000.
COL. JOSEPH L. YAKOVAC, JR., 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JAY M. GARNER, 000–00–0000.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be brigadier general

COL. FRANK A. AVALLONE, 000–00–0000.

IN THE AIR FORCE

AIR FORCE NOMINATION OF WENDELL R. KELLER WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 19, 1996.

AIR FORCE NOMINATIONS BEGINNING SEAN P. ABELL, AND ENDING TIMOTHY T. WILDAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

AIR FORCE NOMINATIONS BEGINNING RANDALL R. BALL, AND ENDING DAVID B. GRUBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

AIR FORCE NOMINATIONS BEGINNING JAMES E. BALL, AND ENDING PHYLLIS M. CAMPBELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ERNEST R. ADKINS, AND ENDING RAYMOND F. ROOT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

ARMY NOMINATIONS BEGINNING WILLIAM A. AYERS, JR., AND ENDING JEFFREY HART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1996.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ROBERT T. BADER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 13, 1996.

MARINE CORPS NOMINATION OF WAYNE D. SZYMCZYK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 13, 1996.

IN THE NAVY

NAVY NOMINATIONS BEGINNING BRIAN G. BUCK, AND ENDING ERIC M. VAN METER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 7, 1995.

NAVY NOMINATIONS BEGINNING JEFFRY L. BENNETT, AND ENDING STEVEN A. SWITTEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 1995.

NAVY NOMINATIONS BEGINNING RUFUS S. ABERNETHY III, AND ENDING JAMES A. WESELIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 17, 1996.

NAVY NOMINATIONS BEGINNING GLENN F. ABAD, AND ENDING RUSSELL L. WYCKOFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1996.

EXTENSIONS OF REMARKS

CLINTON ADMINISTRATION CLOSES COURTHOUSE DOOR

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I rise to bring to your attention a terrible injustice. The victims of this injustice are hardworking, taxpaying American citizens who are being deprived of basic rights guaranteed to each citizen under the Constitution. Those rights are the right to due process of law and the right to equal protection of the law. Due process guarantees that when the Government might cause us harm, we should have a right to be heard. Equal protection requires equal treatment before the law.

If the Clinton administration has it's ways, our citizens will be gagged and denied the right to be heard when they want to complain about what their Government is doing to them under the guise of protecting endangered or threatened species.

The Supreme Court has agreed to hear a case filed by two ranchers in Oregon asserting that Secretary Babbitt violated the Endangered Species Act [ESA] when he tried to reduce the amount of water available to those ranchers for their cattle and crops. They alleged that he disobeyed several requirements of the ESA that would have protected their economic interests. However, they never got their day in court. Mr. Babbitt's lawyers asked the judge to throw out their claim without a hearing. His lawyers claim that people are not protected by the Endangered Species Act so they have no right to complain when the Secretary violates the act and therefore, takes away their ability to support themselves.

The lawyers argued that people's economic, social or recreational concerns are not within the ''zone of interest'' of the ESA and therefore, they cannot sue to have the Court decide if the Secretary had violated the law.

The judge threw the ranchers out of court, but they appealed to the Ninth Circuit Court of Appeal. Once again. Secretary Babbitt's attorneys argued that the ranchers could not sue to have the Secretary's actions reviewed by the court, because they have no protections under the ESA. This is called the zone of interest test. The ninth circuit in *Bennett* v. *Plent,* 63 F. 3d 915 (1995) agreed with Secretary Babbitt's lawyers and once again threw these ranchers out of court ruling that they were not within ESA's zone of interest. The ranchers have now appealed to the Supreme Court. However, Secretary Babbitt's attorneys are now worried about the political consequences of having everyday people denied access to judicial review of Secretary Babbitt's decisions, so they have quit arguing that these ranchers are not protected by the ESA. Instead, they are still arguing that these ranchers should not be allowed to sue but are basing their arguments on other legal technicalities, such as claiming that the ranchers sued the wrong Government agency within Secretary Babbitt's vast Department. At the Supreme Court level the case is known as Bennett versus Spear.

If the Supreme Court decides the case the way the lawyers have asked them to, it will leave the zone of interest test in place in all courts within the ninth circuit's jurisdiction. This means that people living in California, Oregon, Washington, Idaho, Alaska, Hawaii, Guam, Nevada, Arizona, and Montana will not be able to sue under the ESA to have a court review illegal actions by Secretary Babbitt. Since the courts in other areas of the country are not bound by the Ninth Circuit Court's decision, citizens in those areas will not have to pass the zone of interest test to have access to the courts. However, if the Supreme Court agrees with the ninth circuits decision, this zone of interest test will become the law of the land and will have broad legal implications, not just for the interpretation of the Endangered Species Act, but for a variety of other environmental statutes as well.

Putting it in layman's language—Secretary Babbitt's lawyers have opened the door of the courthouse to the environmental lawyers, given them millions of dollars of taxpayers money to pay for their lawsuits, and invited them to keep coming back. This has spawned a cottage industry for so-called environmentalists. Although the Federal Government subsidizes hundreds of environmentalist's lawsuits, they have slammed the door of the courthouse to average citizens just trying to protect themselves from abuses by Secretary Babbitt's Department. I have attached a list of cases filed under the ESA and the attorney's fees received by the lawyers in each of these cases. This list was supplied to the Committee on Resources by the Department of Justice.

To say this is unfair is a gross understatement. It is unfair in the extreme and in addition, it is resulting in unreasonable and unbalanced public policy. It is no secret that Federal judges are playing a key role in implementing the Endangered Species Act. When Secretary Babbitt adopts new rules, he is required by law to receive public comment from any member of the public. When Federal judges interpret the law, they can exclude the general public and allow only a limited viewpoint to be heard. It is no wonder that we end up with judge-made law that is so unbalanced and unreasonable in so many cases.

Not all judges would turn away those citizens who wish to sue to protect their economic, social, or recreational interest. Judge Rosenbaum of the U.S. District Court in Minnesota had this to say when the lawyers representing the Clinton administration asked him to dismiss a suit filed by a group of snowmobilers. He scolded the Government because they could not identify a single person who would have been qualified to complain about the Government's overprotection of endangered species.

Judge Rosenbaum said ''the Court is unwilling to adopt the view that the Fish and Wildlife Service is unrestrained if it cloaks any of its acts in the laudable robe of endangered and threatened species protection. This is a form of totalitarian virtue—a concept for which no precedent has been advanced and which is foreign to the rule of law.''

He apparently does not agree with the Secretary Babbitt's view that under the law the Federal Government can never go too far in protecting endangered species. In briefs to the Supreme Court the Government says that no one can sue them if they go too far under the ESA.

According to the Secretary Babbitt's lawyers, if the Government violates the constitutional and legal rights of citizens, if it fails to follow the requirements in the Endangered Species Act designed to protect citizens right's, there is no citizen who can sue to stop such Government overreaching.

That is an incredible statement by our Justice Department lawyers sworn to uphold our Constitution and our Bill of Rights.

I agree with Judge Rosenbaum that allowing only professional environmentalists to use the ESA to further their agenda, whatever that agenda may be, is foreign to the principles of fairness and due process that we hold so dear.

We need to let citizens who are directly impacted by the ESA into the courthouse so that the courts can hear all the facts, all the evidence, and let the truth guide their decisions. When only one side is allowed to present the facts, the truth becomes the victim of injustice.

Case name	Suit number	District	Attorney fees paid
1. Biodiversity Legal Foundation v. Babbitt	95–601	Colorado	$1,000.00
2. Biodiversity Legal Foundation v. Babbitt	95–382	Colorado	8,000.00
3. Restore: The North Woods v. Babbitt	95–37	New Hampshire	5,400.00
4. Biodiversity Legal Foundation v. Babbitt	95–1815	Colorado	3,500.00
5. Biodiversity Legal Foundation v. Babbitt	95–816	Colorado	500.00
6. The Bay Institute of San Francisco, et al. v. Babbitt	94–0265	California, East	5,000.00
7. National Audubon Society v. Babbitt, et al.	94–0105	California, South	7,540.61
8. Friends of the Wild Swan, Inc., Alliance for the Wild Rockies, Inc., et al. v. Babbitt	94–0246	District of Columbia	4,500.00
9. Southern Utah Wilderness Alliance v. Morgenweck.	94–717	Colorado	4,200.00
10. Environmental Defense Center v. Babbitt.	94–0743	California, Central	4,074.75
11.. Biodiversity Legal Foundation, et al. v. Babbitt	94–1086	Colorado	1,408.19
12. Biodiversity Legal Foundation v. Babbitt	94–0920	District of Columbia	5,000.00
13. Biodiversity Legal Foundation v. Babbitt	94–0920	District of Columbia	3,815.00

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Case name	Suit number	District	Attorney fees paid
14. Greater Gila Biodiversity Project v. USFWS	94–0288	Arizona	2,048.91
15. Southwest Center for Biological Diversity, et al. v. USFWS	94–0696	Arizona	1,665.00
16. Southwest Center for Biological Diversity, et al. v. USFWS	94–0739	Arizona	1,000.00
17. Environmental Defense Center v. Babbitt	94–0788	California, Central	3,815.00
18. Oregon Natural Resources Council v. Babbitt	94–666	Oregon	4,000.00
19. Mountain Lion Fountain v. Babbitt	94–1165	California, East	6,500.00
20. Dr. Robin Silver, et al. v. Babbitt	94–0337	Arizona	4,000.00
21. Dr. Robin Silver, et al. v. Babbitt	94–0337	Arizona	102,418.86
22. Southwest Center for Biological Diversity v. Babbitt	94–1034	Arizona	5,145.00
23. The Biodiversity Legal Foundation v. Babbitt	94–02441	District of Columbia	4,000.00
24. Idaho Conservation League v. Babbitt	94–0351	Idaho	5,000,00
25. Northwest Coalition for Alternatives to Pesticides v. Babbitt	94–6339	Oregon	10,500.00
26. Southwest Center for Biological Diversity v. Babbitt	94–1946	Arizona	1,971.01
27. Southwest Center for Biological Diversity v. Babbitt	94–2036	Arizona	40,000.00
28. Native Plant Society of Oregon v. U.S. DOI	93–180	Oregon	13,046.19
29. National Audubon Society et al. v. Babbitt et al..	93–1152	District of Columbia	22,500.00
30. Idaho Dept. of Fish and Game v. National Marine Fisheries Service	93–1603	Oregon	8,405.06
31. Oregon Natural Resources Council v. Dept. of Commerce	93–293	Oregon	16,200.00
32. Clemmys Karmorata v. USFWS	93–6135	Oregon	2,522.30
33. Environmental Defense Center v. Bruce Babbitt	93–1847	California, Central	4,700.00
34. Environmental Defense Center v. Bruce Babbitt	93–1848	California, Central	4,700.00
35. Environmental Defense Center v. Babbitt	93–3379	California, Central	4,300.00
36. Desert Tortoise, et al. v. Lujan	93–0114	California, North	69,000.00
37. Southern Utah Wilderness Alliance v. Bruce Babbitt	93–2376	Colorado	8,500.00
38. Greater Yellowstone Coalition, et al. v. F. Dale Robertson (Chief, USFWS)	93–1495	District of Columbia	32,750.00
39. Natural Resources Defense Council, et al. v. Bruce Babbitt, Sec. DOI	93–0301	California, North	262,096.76
40. Sierra Club, et al. v. Bruce Babbitt, et al.	93–1717	California, South	11,368.76
41. Greater Gila Biodiversity Project v. USFWS	93–1913	Arizona	11,000.00
42. Sierra Club, et al. v. David Garber, et al.	93–069	Montana	55,000.00
43. Bay Institute of San Francisco v. Lujan	92–2132	California, East	60,000.00
44. Pacific Rivers Council v. Thomas	92–1322	Oregon	165,000.00
45. Colorado Wildlife Federation v. Turner	92–884	Colorado	31,351.90
46. Colorado Wildlife Federation v. Turner	92–884	Colorado	5,000.00
47. Environmental Defense Center v. Lujan	92–6082	California, Central	7,500.00
48. Idaho Conservation League v. Manuel Lujan, et al.	92–0260	Idaho	21,166.00
49. Canadian Lynx, Greater Ecosystem Alliance v. Lujan	21–1269	Washington, West	2,000.00
50. Canadian Lynx, Greater Ecosystem Alliance v. Lujan	92–1269	Washington, West	9,500.00
51. Friends of Walker Creek Wetlands v. Dept. of the Interior	92–1626	Oregon	12,000.00
52. Idaho Conservation League, et al. v. Lujan	92–0406	Idaho	8,000.00
53. Fund for Animals v. Manuel Lujan, et al.	92–800	District of Columbia	67,500.00
54. National Audubon Society v. Lujan	92–209	California, South	7,348.75
55. Wendell Wood, et al. v. Manuel Lujan, et al.	91–6496	Oregon	14,547.05
56. Wendell Wood, et al. v. Manuel Lujan, et al.	91–6496	Oregon	550.00
57. California Native Plant Society v. Manuel Lujan, Jr.	91–0038	California, East	16,678.25
58. Earth Island Institute, et al. v. Manuel Lujan, Jr.	91–6015	Oregon	32,338.70
59. The Fund for Animals ein., et al. v. Turner	91–2201	District of Columbia	36,000.00
60. West Snowy Plover v. Lujan	91–1421	Washington, West	7,710.92
61. Edward Wilkinson Mudd Jr. v. William Reilly, Admin., EPA	91–1392	Alabama, North	39,000.00
62. Hawaiian Crow v. Manuel Lujan	91–00191	Hawaii	195,000.00
63. Sierra Club v. Lujan	91–069	Texas, West	666,666.67
64. Sierra Club v. Lujan	91–069	Texas, West	666,666.67
65. Sierra Club v. Lujan	91–069	Texas, West	666,666,66
66. Sierra Club v. Lujan	91–069	Texas, West	1,550,000,00
67. Marbled Murrelet, et al. v. Manuel Lujan	91–522	Washington, West	43,519.49
68. Marbled Murrelet, et al. v. Manuel Lujan	91–522	Washington, West	17,589.98
69. Dioxin/Organichlorine Center and Columbia River United v. Dana Rasmussen	91–1442	Washington, West	61,500.00
70. Colorado Envtl. Coalition v. J. Turner	91–1765	Colorado	5,168.40
71. Florida Key Deer, et al. v. Robert H. Morris	90–10037	Florida, South	130,000.00
72. Conservation Council for Hawaii, et al. v. Manuel Lujan and John F. Turner	89–00953	Hawaii	44,635.25
73. National Wildlife Federation, et al. v. Robert Mosbacher, Sec. of Commerce	89–2089	District of Columbia	42,500.00
74. Sierra Club Legal Defense Fund v. Manuel Lujan, Jr., Sec. of Interior, et al.	89–1140	District of Columbia	9,000.00
75. Sierra Club, et al. v. James A. Baker, et al	89–3005	District of Columbia	18,583.72
76. Resources Limited Inc., et al. v. F. Dale Robertson, et al.	89–41	Montana	90,000.00 47,000.00
77. Environmental Defense Fund v. Lujan	89–2034	District of Columbia	2,237.50
78. Silver Rice Rat, et al. v. Manuel Lujan	89–3409	District of Columbia	19,500.00
79. Northern Spotted Owl, et al. v. Donald Hodel, et al.	88–573	Washington, West	56,718.00
80. World Wildlife Fund v. Donald P. Hodel, et al.	88–573		56,000.00
81. Sierra Club and League for Coastal Protection v. John Marsh, et al.	86–1942	California, South	44,774.16
82. Greenpeace v. Baldrige	86–0129	Hawaii	88,794.01
83. Sierra Club, et al. v. Richard Lyng	85–69	Texas, East	149,647.50
84. Natural Resources Defense Council v. Donald Hodel (Kesterson)	85–1214	California, East	518.000.00
85. Natural Resources Defense Council v. Donald Hodel (Kesterson)	85–1214	California, East	57.000.00
86. Natl. Wildlife Foundation, et al. v. Endangered Species Committee, et al.	79–1851	District of Columbia	20,000.00
87. Defenders of Wildlife v. Thomas	Strychnine	Minnesota	122,500.00

H.R. 4138, THE HYDROGEN FUTURE ACT OF 1996

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent to bring before the House H.R. 4138, the Hydrogen Future Act of 1996, for its immediate consideration.

Mr. BROWN and I are introducing H.R. 4138 to focus the U.S. Department of Energy's research and development of hydrogen as a fuel. Last year, with support on both sides of the aisle, a bill similar to this one, H.R. 655, passed the House with an overwhelming majority on May 2, 1995.

H.R. 4138, incorporates some changes made to the earlier bill to accommodate interests of Members of the Senate. These changes have been approved by the chairman and ranking members of the committees of jurisdiction.

I would like to thank the ranking member of the House Science Committee, Mr. BROWN, for his support in cosponsoring this bill with me. Mr. BROWN has long been a supporter of hydrogen research and development, and I have appreciated his efforts in this area.

I would also like to thank the Committee on Government Reform and Oversight for its cooperation on a provision in this bill over which it has jurisdiction.

Mr. Speaker, H.R. 4138 provides the legislative authority necessary to continue the research and development of hydrogen as fuel into the 21st century.

Hydrogen is essentially a nonpolluting, environmentally friendly, renewable resource that is one of the answers to our future energy needs.

Under H.R. 4138, the U.S. Department of Energy is directed to continue and expand its research and development of hydrogen as a fuel cooperatively with the private sector under a peer reviewed competitive process. H.R. 4138 slowly increases funding for R&D over a period of 5 years to a level recommended by the Department of Energy's hydrogen technical advisory panel. This increase, which will occur at a slower pace than recommended, will help assure the best utilization of the increase while allowing budget priorities to be decided under a balanced plan.

The Hydrogen Future Act, gives the House the opportunity to send to the Senate, and then the President's desk, a bill which is good for the environment, good for the economy, good for our health, and good for our future.

I hope my colleagues will join me in voting for passage of H.R. 4138, the Hydrogen Future Act of 1996.

ANTHONY ENGLISH HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. KANJORSKI. Mr. Speaker, I am pleased to rise today to congratulate Mr. Tony English on his 25th anniversary with the Catholic Youth Center in Wilkes-Barre, PA. The community will gather to honor Tony on October 20, 1996, and I am honored to have been asked to participate in this event.

Having attended local schools, Tony began with the CYC as a volunteer fundraiser in 1962. After starting with the CYC he also joined the membership committee and the capital improvement drive committee. In 1966, Tony was hired as assistant to the athletic director. Under his direction, the CYC basketball league was expanded and the diocesan boys basketball tournament was initiated. He held one of the first area karate tournaments and founded the Junior Basketball Officials Club and was its first advisor. This club trained young people in officiating basketball games.

In 1967, Tony left the CYC to become the program director of the Wilkes-Barre City Recreation Board for 1 year. He then became superintendent of recreation for the city, supervising 23 playgrounds and 4 swimming pools.

Tony found the position challenging as he supervised more than 300 students in leadership positions.

In 1971 Tony left the superintendent position to return to the CYC as its executive director. For the next 25 years, Tony worked to expand the center's many services. He helped acquire land from Wilkes-Barre to build outdoor basketball and tennis courts. The center obtained money through the National Park Service to open a health center. The center went on to develop a firstrate child care and senior citizen program. The center's programs now benefit everyone including infants to seniors. Under Tony's leadership, the center has also been a strong antidrug policy supporter and has numerous antidrug programs in operation today.

Mr. Speaker, Tony English is a valuable member of the Wyoming Valley community. His youth programs have set the standard for excellence in our area. The CYC has grown and prospered under his able leadership. I am pleased to congratulate Tony on this milestone in his career and send my best wishes for continued success.

RISE 'N' STRIDE WALKING CLUB 10TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. MURTHA. Mr. Speaker, it's a pleasure for me to congratulate the Richland Mall Rise 'n' Stride Walking Club on its 10th anniversary.

Americans are living longer, healthier, more active lives and much of it can be traced to these types of clubs. Gathering early each morning, the group, some of whose members are in their nineties, sets a brisk pace. The club stresses the benefits of walking in reducing the risks of heart disease, high blood pressure, diabetes, high cholesterol, and osteoporosis.

The Rise 'n' Stride Club also has started a Walker of the Month Program with plaques on display at the Richland Mall. I believe this kind of recognition of personal achievement will encourage more Americans to get out and walk for their health.

In addition, the club serves the community by organizing fund drives that have donated over $3,000 in support of various community activities.

Maybe I feel so strongly about this club because my wife, Joyce, and I are regular walkers who have benefited from this low-stress form of exercise. It is clubs like Rise 'n' Stride that are helping to change attitudes toward fitness and provide incentive for people of all ages to get out and do something positive for their health.

I congratulate the Rise 'n' Stride Club on its 10th anniversary, its community involvement, and its dedication to improving its members' health and well-being.

GERMAN-AMERICAN DAY IS OCTOBER 6, 1996

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. FLANAGAN. Mr. Speaker, the annual anniversary of German-American Day is on October 6, 1996. Due to the fact that this date falls on a Sunday this year, Chicago's National German-American Day will be celebrated on Friday, October 4, 1996, under the auspices of the Steuben Society of America, Chicago unit. This annual ceremony is held so that all German-Americans of the Chicago area can honor not only the illustrious General Von Steuben, but all German-Americans who have fought, served, and worked to make the United States the greatest country in the world. Today, more than 57 million Americans trace at least part of their ancestry to Germany and many of those are residents of the great city of Chicago, which has long had a most active and vibrant German-American community.

Since the arrival of the first German immigrants in Philadelphia, PA, on October 6, 1683, German-Americans have much distinguished themselves by their loyalty to their new homeland and their contributions to the cultural and economic life of the United States of America. German-Americans have faithfully supported and bolstered America's democratic principles. They have staunchly and steadfastly committed themselves to the advocacy of freedom for all people throughout the globe.

German-Americans have long been active participants in our society. They are part of the very foundation that has made the United States of America what it is today. Their example makes them most deserving of an annual German-American Day.

We in Congress honor and acknowledge all German-Americans and what they have done for our country and for the world. We in Congress call upon all citizens of the United States of America to acknowledge the exemplary services and contributions of our German-American citizens and to celebrate German-American Day on October 6.

TRIBUTE TO GREG MORRIS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. DIXON. Mr. Speaker, the entertainment world lost a gifted and beloved actor on August 27, 1996, with the passing of Greg Morris. Morris, who would have turned 62 on Friday, is best known to all of us as the electronics genius who helped his fellow agents thwart the activities of unscrupulous governments in the immensely popular 1960's television series, ''Mission Impossible.''

Greg Morris was born in Cleveland, OH on September 27, 1934. He entered the University of Iowa in 1958 to play basketball; however, his basketball career was short-lived. Greg studied communications and theater arts and it was from this curricula that his love for the theater and acting would grow. Although he did not complete his studies at the University of Iowa, Greg expanded his skills in the arts by writing a jazz column for the Daily Iowan and producing a radio program on WSUI, ''Tea Time.''

From Iowa, Greg moved northwest to Seattle, where he landed his first professional roles in a few minor stage productions. His appetite for acting further whetted, he decided in the early 1960's to try his luck in Hollywood. Those of us who remember Hollywood during that period, can appreciate how difficult it must have been for Greg to strike out for the entertainment capital of the world. Although there were many gifted African-American actors looking for work in the television and film industry, only a few, such as Morris, Bill Cosby, Brock Peters, and Diahann Carroll were lucky enough to land roles that did not mirror the stereotypical roles historically given to African-American actors.

Like his African-American acting peers, however, Greg was special and his superior acting talents landed him roles in such television classics as ''The Dick Van Dyke Show,'' ''Ben Casey,'' ''The Twilight Zone,'' and ''Dr. Kildare.''

Greg Morris was a pioneer for African-Americans seeking serious roles in television. His 7-year portrayal of ''electronics wizard'' Barney Collier thrilled millions of viewers, and no doubt steered many a youngster to pursue an education in electrical engineering, or to follow his/her dream to an acting career in Hollywood. I understand that Mr. Morris was most fond of the 7 years spent on this wonderful series, which was created by famed television pioneer Bruce Geller, who also served as the series' executive producer.

In 1979, Greg moved to Las Vegas to costar in the television series ''Vega$,'' with Robert Urich. Each week. Greg's character, ''Lt. David Nelson,'' joined forces with Urich's character, ''Dan Tana,'' to track down that episode's scourge of the week. Greg fell in love with the city of Las Vegas and decided to make it his permanent home.

Greg Morris was married for 38 years to Leona Morris. The couple had three children, including the actor Phil Morris, and daughters, Linda and Iona.

Mr. Speaker, I confess to having been a huge fan of Greg Morris. He was an outstanding actor; a man who broke down barriers in Hollywood, and a man who carved out a rich

legacy for other aspiring African American actors to emulate.

I also confess to having loved ''Mission Impossible.'' I took tremendous pride in turning on my television set each week to watch Greg's character, Barney Collier, develop the most sensational electronics gizmo to foil the bad guys. Along with millions of his fans, I will miss Greg Morris. I therefore ask that my colleagues join me in extending our heartfelt appreciation to Greg's children for sharing their distinguished father with us for nearly four decades. He was a great actor. We shall miss him and extend our sincere condolences to his beloved family.

TRIBUTE TO JERRY JANCZAK

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Mr. Jerome ''Jerry'' Janczak, of Greenfield, WI, who will be honored November 7, 1996, by the South Side Business Club of Milwaukee as their Man of the Year.

Jerry's dedication to his family, his business and the Polish community in Milwaukee is a fine example for us all. He and his wife, Grace, have been married since 1954, are the proud parents of two sons and have been blessed with five grandchildren. A graduate of Milwaukee's Notre Dame High School, Jerry served our country proudly in the Air Force. In 1957, he began a distinguished career as a Milwaukee County employee, retiring in 1988 as a deputy clerk of courts, probate division.

Since 1972, Jerry has owned and operated J & J Trophies, a small business.

For many, many years, Jerry has been active in Milwaukee's Polish community, utilizing his talents in numerous ways, including serving on the board of directors of the Milwaukee Society, Polish National Alliance; the board of directors of Polish Festivals, Incorporated; and as a volunteer at Polish Fest, one of our city's unique ethnic festivals.

Jerry has served his parish well, and has been an active office holder of the South Side Business Club, St. Joseph's Foundation, and the St. Vincent DePaul Society.

It is therefore very fitting that Jerry Janczak be honored by the South Side Business Club for his many years of service to the community.

TRIBUTE TO LUCILLE MATYAS ON HER RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a longtime staff member in my district office, Lucille Matyas. Lucille has been an exceptional staff member in my office. She recently retired from after 11 years of exceptional service to the residents of the 3rd District of Illinois.

Family has always been of the utmost importance to Lucille. Lucille is the wife of the late Richard A. Matyas Sr. Lucille and her husband had three children, George A. Matyas, Richard A. Matyas and Victoria A. Smith. She has two grandchildren, Richard and Reanna Matyas. While raising her three children, Lucille was involved in local activities and charities. In the past she has devoted her time to such groups as, Clear Ridge Baseball, St. Rene Mother's Club, Girl Scouts, De La Salle High School Parent's Club and the Maria High School Mother's Club. Lucille's dedication to these and other groups led to her involvement with politics on a local level. Lucille was a member of the 23rd Ward Democratic Women's Organization as well as the Chicago Democratic Women's Organization. The VFW Women's Auxiliary and St. Rene's Alter and Rosary Society have also received the benefit of support and volunteer time from Lucille.

Like a true Chicagoan, Lucille enjoys watching all Chicago sports teams and counts herself as one of the biggest Bulls fans in Chicago. Lucille enjoys spending time with her family and friends. In her spare time Lucille plays bingo, is an avid reader of books, collects dolls with her daughter and devotes quality time with her two grandchildren. Clearly, Lucille lives a life rich in experience and goodwill.

Lucille has a great many plans for after her retirement, these include enjoying life, spending time with her grandchildren and visiting with friends and family. Additionally, Lucille plans on traveling and sight seeing around the United States Finally, Lucille will volunteer her spare time at local charities.

Mr. Speaker, I thank Lucille Matyas for her many years of dedicated service to the citizens of the 3rd district and to her family. With the combination of dedication to her community and family, Lucille is an inspiration and example to all. I will surely miss seeing her in my district office in Illinois. Lucille has truly been a joy to work with and her hard work and positive attitude have served my district well. I wish Lucille good luck in all of life's adventures.

TRIBUTE TO FRAN KLAUBER AND HOWARD KUSNICK

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. DEUTSCH. Mr. Speaker, I rise today to honor two exceptional individuals from Sunrise, FL, Ms. Fran Klauber and Mr. Howard Kusnick. They will both be inducted into the Sunrise Chamber Hall of Fame on October 4, 1996 for their notable accomplishments in the chamber and in the local community. This is the second annual Sunrise Chamber Hall of Fame fundraiser dedicated to recognizing outstanding chamber members who have contributed their time and effort to help the chamber achieve a variety of successes in the Sunrise community.

I applaud the many years that Fran Klauber has spent as an active member of the Sunrise chamber. Fran has served on the chamber board, the president's advisory council, and has been involved in various programs that bridge the Sunrise business community and the local community. Fran has been instrumental in the success of the One for the Kids Program which brings business and schools together so that students, teachers, and parents can interact with leaders in the community. Fran has actively supported the Sunrise Police Athletic League by helping to facilitate the program which provides sport activities for at-risk youth in the community. She devotes a considerable amount of time to enrich the lives of residents in the community through these programs. Currently, she continues to work on behalf of the education system as an ongoing day chair for the Leadership Sunrise Program, a program which gives business leaders valuable insight into Broward's public education system. Her accomplishments as a member of the chamber will forever touch the Sunrise community.

As three term president of the chamber, Howard Kusnick has been an active board member and currently represents the chamber as legal counsel. In 1995, the Broward County Council of Chambers recognized Howard as the Small Business Person of the Year for his leadership, direction and commitment to the business community. As an active member of the Broward Economic Development Council, he has helped to encourage new business in the county to improve the economy. Howard's contributions to the chamber have made a tremendous difference in Broward County.

I wish Fran and Howard the best on receiving this prestigious recognition from the Sunrise Chamber. I know that they will each continue to be effective business leaders and make a difference in the community.

F.M. KIRBY CENTER 10TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the 10th anniversary of the F.M. Kirby Center for the Performing Arts in Wilkes-Barre, PA. I am pleased to have been asked to join in a community salute of this milestone and to pay tribute to two outstanding community leaders, Mr. F.M. Kirby and Mr. Albert Boscov.

The Kirby Center was originally the centerpiece of the Comerford Theater chain. The state of the art movie theater was the first in the United states to offer air conditioning to its customers. Up until the 1950's the theater remained the focal point of motion picture entertainment in northeastern Pennsylvania. As television gained in popularity, attendance at the Comerford Theater began to suffer.

In 1972, the Wyoming Valley was hit by Hurricane Agnes. The storm caused the Susquehanna River to overflow its banks and devastate downtown Wilkes-Barre with dangerous flooding. The flooding caused extensive damage to the Comerford Theater which was eventually reopened. The flooding caused considerable damage to the downtown retail community and shoppers dwindled. In 1976, due to a lack of attendance the theater was forced to close.

The Comerford Building sat unused and in disrepair for the next 10 years. In order to avoid the destruction of the building, a group of concerned citizens took the first step of having the building placed on the historic register. This initial attempt at preservation was done with hopes of future development.

In 1985, Albert Boscov, the owner of Boscov's Department in downtown Wilkes-Barre became interested in renovating the theater. Mr. Boscov had a dream of turning the theater into a centerpiece performing arts center which would host local and national talent. He began a fund-raising campaign which in a little over a year and half raised $4.3 million from thousands of members of the community, in large and small contributions. A major benefactor of the project was F.M. Kirby II, the son of the cofounder of the Woolworth's Department Store chain. In March of 1986 work was underway on what was to become the F.M. Kirby Center for the Performing Arts. In September 1986, the theater hosted opening night with a gala performance attended by local dignitaries and community leaders.

Mr. Speaker, the 10 years since that opening night have had many high and low points. Like most artistic institutions in our country, the members of the Kirby Center board have endured some economic hardship. In response to diminishing funding for the arts, patron memberships were established and the board of directors forged a profitable alliance with local business leaders to make the center a vibrant and active facility.

Demonstrating its commitment to the Wyoming Valley community, the center provides quality entertainment to over 15,000 school children a year. The center underwrites ticket costs to children's social service agencies and each year introduces a new class of children to the wonders of the arts through its International Children's Theater Festival which draws thousands of children to experience this spectacular event.

As the home of the Northeast Philharmonic Orchestra to its hosting of ballet, Broadway and Sesame Street Live, the Kirby Center has become the center for cultural activity in northeastern Pennsylvania.

Mr. Speaker, the entire community of the Wyoming Valley owes a debt to Mr. Al Boscov and Mr. Fred Kirby for their financial generosity and visionary thinking. They are responsible for taking a forlorn theater and converting it into the vibrant arts center it is today. They believed in the promise of downtown Wilkes-Barre and its long-term economic growth. I am proud to join in the tribute to these outstanding community leaders and to be part of this anniversary celebration.

CAMDEN CITY POLICE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. ANDREWS. Mr. Speaker, I invite my colleagues to join me in honoring a group of citizens that glorify the State of New Jersey. On May 14 of this year the city of Camden held its' police awards banquet. The event recognized citizens and police officers that went beyond the call of duty in their particular areas of service. While I have formerly acknowledged some of these individuals, due to a clerical error certain police officers were not mentioned by name. Therefore, I would like to highlight these officers who protect our communities and place our lives before their own. Their dedication and service to the people enables us to live in safety. Moreover, their example serves as a model for all citizens.

The following Rutgers University Police should be recognized for their meritorious service: Capt. Guy Still; Lt. Edmund Johnson; Sgt. Michael Amorim; Sgt. Louis Capelli; Officer John Denmark; Officer William Singleton; Officer Lynn Vrooman; Officer Tracy McGriff; and Officer William Princiotta.

The following officers were killed in the line of duty: Officer George F. Jefferis (1951); Sgt. Carmin Fuscellaro (1961); Officer George Schultz (1969); Officer Charles Sutman (1969); Officer Rand Chandler (1969); Officer Elwood Ridge (1973); and Officer Stuart Roberts (1975).

INTRODUCTION OF THE NATIONAL INDIAN EDUCATION BONDING AUTHORITY PILOT PROJECT ACT OF 1996

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, today, I am introducing legislation to establish an innovative funding mechanism to enhance the ability of Indian tribes to construct, repair, and maintain quality educational facilities. Representatives from tribal schools in my State of South Dakota have been working with tribes nationwide to develop an initiative which I believe will be a positive first step toward addressing the serious crisis we are facing in Indian education. The National Indian Education Bonding Authority Pilot Project Act is currently in draft form. I am introducing this legislation at this stage to begin dialog and debate among my colleagues on this important funding initiative.

Mr. Speaker, 56 percent of the American Indian population in this country is age 24 or younger. Consequently, the need for improved educational programs and facilities, and for training the American Indian workforce is pressing. American Indians have been, and continue to be, disproportionately affected by both poverty and low educational achievement. The high school completion rate for Indian people aged 20 to 24 was 12.5 percent below the national average. American Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students. In 1994, the combined average score for Indian students on the Scholastic Achievement Test was 65 points lower than the average for all students. These statistics reflect the continued neglect of America's underserved Indian student population and are unacceptable.

By ignoring the most fundamental aspect of education; that is, safe, quality educational facilities, there is little hope of breaking the cycle of low educational achievement, and the unemployment and poverty that result from neglected academic potential.

The National Indian Education Bonding Authority Pilot Project Act establishes a bonding authority to use existing tribal education funds for bonds in the municipal finance market which currently serves local governments across the Nation. Instead of funding construction projects directly, these existing funds will be leveraged through bonds to fund substantially more tribal school construction, maintenance and repair projects.

The Bureau of Indian Affairs estimates the tribal school construction and repair backlog at $850 million. Confounding this backlog, inflation and facility deterioration increases this amount by an estimated $80 million per year. The administration's school construction request for fiscal year 1997 was $23 million, and the House-passed level was a mere $21 million. In this budgetary climate, I believe every avenue for efficiently stretching the Federal dollar should be explored.

Tribal schools in my State and around the country address the unique learning needs and styles of Indian students, with sensitivity to Native cultures, ultimately promoting higher academic achievement. There are strong historical and moral reasons for continued support of tribal schools. In keeping with our special trust responsibility to sovereign Indian nations, we need to promote the self-determination and self-sufficiency of Indian communities. Education is absolutely vital to this effort. Allowing the continued deterioration and decay of tribal schools through lack of funding would violate the Government's commitment and responsibility to Indian nations and only slow the progress of self-sufficiency.

Mr. Speaker, I urge my colleagues to closely examine the National Indian Education Bonding Authority Pilot Project Act and join me in working to make this innovative funding mechanism a reality.

CONGRATULATING THE REPUBLIC OF CHINA ON ITS 85TH ANNIVERSARY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. FALEOMAVAEGA. Mr. Speaker, on the eve of the Republic of China's 85th anniversary—this October 10, 1996—I wish to congratulate Taiwan for the outstanding accomplishments of this thriving and vibrant democracy of 21 million people.

Taiwan is one of the world's most compelling economic success stories, rising from World War II's destructiveness to become a global trading power with foreign exchange reserves today second only to Japan. Taiwan must also be commended for its significant progress toward democratization, which came to full bloom this year with Tawian's first Presidential elections. These historic elections were conducted democratically and peacefully, despite the threats and provocations issued by the People's Republic of China.

In light of these achievements, Taiwan deserves not only our admiration, but support for Taiwan's drive for greater participation in the affairs of the international community. Taiwan's aspirations to be an active member of international organizations of the world community are well-founded. It has all the necessary qualifications: a sound political system, a much-admired world-class economy, and a genuine desire to maintain peace and stability in East Asia, and around the globe.

As noted recently by Taiwan's chief representative to Washington, Dr. Jason Hu, Taiwan's people only seek to receive fair treatment with dignity in the international community. The goal of participation within the global community of governments is, in my opinion, not the same as seeking independence.

On this 85th anniversary celebration for Taiwan, I would urge our colleagues to call upon the world's governments and international organizations to open their doors to Taiwan and extend upgraded ties to this most deserving friend and democracy.

GREECE: A VITAL ALLY IN THE BALKANS AND THE EASTERN MEDITERRANEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. HAMILTON. Mr. Speaker, I would like to include in the RECORD some recent remarks of mine on the topic of Greece: A vital ally in the Balkans and the Eastern Mediterranean. The text follows:

GREECE: A VITAL ALLY IN THE BALKANS AND THE EASTERN MEDITERRANEAN

THE IMPORTANCE OF UNITED STATES RELATIONS WITH GREECE

The civilization of ancient Greece has shaped the New World. Our democracy, and our highest ideals of citizen participation in public life, follow the Hellenic tradition. Our architecture, our arts and sciences, and the names of towns large and small across the breadth of the continent bear witness to Greece's profound influence on the American experience.

The historical legacy is great, but I also would like to speak of the importance of Greece today: the importance of strong United States relations with our friend, partner, and ally—the people and government of Greece.

A STABLE AND DEMOCRATIC GREECE

If you consider the Balkans and the Eastern Mediterranean today, you see a wide swath of instability, the result of several unresolved ethnic and national questions:

Intercommunal violence and the division of Cyprus continue; the peace process in Bosnic is at a critical stage; Albanian populations present a challenge to current governments in the former Yugoslavia and the Former Yugoslav Republic of Macedonia (FYROM); and Turkey is troubled by political instability and a new Islamic-led government that seems to be turning eastward.

In this uncertain environment of the southern Balkans, Greece stands out as a stable, democratic nation.

Greece's geography, as well as its long history of security cooperation with the United States and NATO, gives it a unique role to play.

The smooth transition from the Papandreou government to that of Prime Minister Costas Simitis underscores Greece's stability.

Greece is headed for another political transition now that Prime Minister Simitis has won re-election and will begin a full term as head of government. I am confident that the United States will be able to forge close working ties with him and his government.

THE GREEK-TURKISH RELATIONSHIP

Greek Prime Minister Simitis is to be commended for the peaceful resolution of the confrontation with Turkey over the Imia rocks in the Aegean earlier this year. His clear, stated desire to improve Greece's relations with all its neighbors and its European Union partners is encouraging. Once again Greece is demonstrating that it is taking steps to enhance peace and security in its part of the world.

I am also pleased that two months ago Greece agreed to lift its hold on a $4.3 billion European Union (EU) aid package to several African and Middle East states, including Turkey.

Greece retains its hold on a $490 million EU aid package for Turkey designed to help the Turks adjust to the demands of the EU-Turkey customs union.

GREECE'S SPECIAL CONCERNS

A sound U.S. policy in southeastern Europe must take into account Greece's special concerns and sensitivities.

The principle elements of good relations in this part of the world must be respect for international borders and respect for minority rights. In the absence of these two, there will be no stability.

We cannot contribute to political stability elsewhere in southeastern Europe and the eastern Mediterranean region if we contribute to political problems in Greece. In other words, we cannot resolve problems in Turkey, the FYROM, Albania or Cyprus at Greece's expense. In this regard, the United States has a special interest in ensuring the human rights of the Greek minority in Albania.

The United States also wants to ensure the rights of, and respect for, the important seat of the Ecumenical Patriarch of the Orthodox Church in Istanbul. The Patriarch is the spiritual leader of 260 million Orthodox Christians.

INSTABILITY IN TURKEY

This country, as well as Greece and our other NATO allies, are justifiably concerned by the political instability in Turkey. On July 8, the Turkish Parliament endorsed the coalition government led by Islamic Welfare Party leader Necmettin Erbakan.

This coalition includes the right-of-center True Path Party led by former Prime Minister and current Foreign Minister, Tansu Ciller.

This marks the first time in the 73-year history of the Turkish Republic that it is headed by an avowed Islamic, instead of secular, leader. The Welfare party and its leader, Erbakan, have taken a populist, anti-western and anti-NATO position on several key issues.

Regardless of the leadership in Turkey, it is in the national interests of Greece and the U.S. to keep Turkey firmly rooted in the western security alliance.

In a hopeful sign, Erbakan initially allayed U.S. and western concerns about the nature of his government. Contrary to his campaign rhetoric, he reaffirmed Turkey's status as a democratic, secular state as well as its links to NATO and the west. His Welfare Party also reversed its previous position and agreed in July in a parliamentary vote to extend the mandate of the U.S.-led Operation Provide Comfort in northern Iraq until the end of the year.

These are positive sighs. But there re many tests ahead.

In Iraq, Saddam Hussein's invasion of Irbil, and the success of his Kurdish partner Massoud Barzani against a rival Kurdish faction, place great stress on U.S.-Turkish ties. Turkey supported U.S. military action against Iraq, but U.S. planes based in Turkey did not participate in that military action. Turkey wants to resume normal commerce and normal relations with Iraq, but the United States wants to keep Turkey part of the coalition to contain Iraqi aggression.

In southeastern Turkey, the government's attempt to stamp out an insurgency with military force is causing great hardship, and by all account appears counterproductive. The Turkish government needs to pursue a political solution that respects the rights of Kurdish citizens of Turkey if it is to defeat the terrorist challenge of the Kurdish Worker's Party (PKK).

In Iran, Prime Minister Erbakan unfortunately has acted upon his campaign promises of closer ties to his eastern Islamic neighbors. Last month, on his first official visit abroad as Prime Minister, Erbakan signed a $23 billion, long-term agreement to purchase natural gas from Iran.

Turkey is energy short and wanted to reduce its dependence on natural gas for Russia. But this move toward Iran is disturbing. It pushes Turkey toward a broader and more active relationship with Iran, a terrorist nation, just at a time when the U.S. is moving to further isolate that nation.

This new gas deal could also trigger economic sanctions against Turkey as a result of the new Iran-Libya sanctions law.

Greece and the United States must remain vigilant to ensure that Turkey under the leadership of the Welfare Party continues to remain an integral part of the western security alliance.

THE CYPRUS ISSUE—THE YEAR OF CYPRUS

According to former Assistant Secretary of State for Europe, Richard Holbrooke, 1996 was supposed to be the ''Year of Cyprus'' when the Administration was to make a big push for a negotiated settlement.

Many of us in the Congress applauded this long-awaited initiative to provide active and sustained U.S. leadership in the pursuit of a settlement of the Cyprus dispute.

But the initiative got derailed even before the new year began, with the fall of the Ciller government in Turkey and then the Imia rocks confrontation.

As I understand it, the planned U.S. initiative—if and when it gets off the ground—is more procedural than substantive. The plan is to determine if the political will for a settlement exists among the parties in Cyprus and in Athens and Ankara. If the will exists, the U.S. will begin an intensive round of shuttle diplomacy among the parties.

Substantively, the outlines of a settlement have been on the table for some time—the UN plan for a bi-communal, bi-zonal federation.

EU and UN officials are hopeful that EU accession talks with Cyprus, planned to begin in late 1997 upon completion of the EU's on-going Inter-Governmental Conference, will provide the impetus necessary—both among Greek and Turkish Cypriots—for a comprehensive solution to the Cyprus problem.

RECENT VIOLENCE IN CYPRUS

Unfortunately, the violence in Cyprus southeast of Nicosia this summer which claimed at least four lives darkens the prospects of progress toward peace.

In a press statement of August 14, I condemned the violence on Cyprus—the worst clashes since the Turkish invasion of 1974—and urged all sides to step back from further escalation. I also expressed my deep concern about the fighting between Greek and Turkish Cypriots as well as the use of force by Turkish troops which resulted in the death of two Greek Cypriots and the wounding of 11, including two UN peacekeepers.

It is clear that the current stalemate cannot be allowed to fester. If it does, further violence and escalation is predictable. The tense situation on Cyprus needs concerted and top-level attention and the involvement of the President himself.

Our priorities should be to reduce tensions along the UN buffer zone on the island, reduce the inflow of arms to the island, restart intercommunal peace talks and find a basis for direct Greek Cypriot-Turkish Cypriot talks.

THE ALBRIGHT-BEATTIE TRIP

Prior to the recent round of violence, the Administration had energized its diplomatic

activity on the Cyprus issue. I was pleased that on July 17–18, U.S. Ambassador to the UN Madeleine Albright and Special Envoy Richard Beattie traveled to the region with specific recommendations for easing tension in the buffer zone and in an effort to improve the atmosphere for advancing a negotiated settlement.

Unfortunately, one of the positive results of this visit, a proposed meeting between the commanders of the Greek Cypriot forces and of the Turkish forces on the island—which would have been the first such meeting since the occupation of northern Cyprus in 1974—did not take place as hoped, due to differences over whether representatives of Turkish Cypriot forces would be present.

Although the trip did not result in any significant break-throughs, it was viewed in the Administration and the region as an important step in diffusing tension, in dealing with security and military issues and, hopefully, in creating a suitable environment to start a more substantive U.S. initiative later this year.

THE U.S. ROLE IS CRITICAL

The recent violence in Cyprus underscores my long-held view that progress on Cyprus is long overdue and should be a high U.S. priority. It remains my hope that a fair and lasting settlement of the Cyprus dispute can be reached in the coming months.

It has always been my firm belief that only high-level an sustained U.S. attention will convince all parties and particularly the Turks, to resolve the Cyprus issue.

It is in U.S. interest as well as all the people of the region that we find a just and lasting solution to this problem.

Turkey remains the key to progress on Cyprus. Only Turkey can push Turkish-Cypriot leader Denktash toward a settlement.

Now is the time to push a U.S. initiative forward. I urge the Administration and specifically Ambassador Beattie, the President's special envoy on Cyprus, to reactivate his diplomacy so that further violence can be averted.

MACEDONIA

Improved relations between Greece and the Former Yugoslav Republic of Macedonia, FYROM, are critical to greater stability in the southern Balkans.

The U.S. has been more sensitive than any of Greece's other allies to Greek concerns regarding FYROM. This Administration has sought to balance its desire to respect Greek concerns with the need to address the new realities created by the dissolution of the former Yugoslavia.

I have consistently urged the Administration to link recognition and the establishment of diplomatic relations with FYROM to a series of steps by the Skopje government to reassure the legitimate security concerns of Greece.

Now this policy is succeeding. Last fall, the Foreign Ministers of Greece and FYROM finalized an agreement which separated the intractable name issue from the other issues. Under the agreement FYROM agreed to change its flag and amend its constitution, and Greece agreed to end its economic blockade of FYROM—which was hurting Greece as well.

This historic agreement was brokered by two Americans, former Secretary of State Cyrus Vance on behalf of the UN and special U.S. envoy Matthew Nimetz.

Face-to-face talks at the UN have so far been unable to produce an agreement on the official name for FYROM. It seems that the FYROM authorities have been unwilling to compromise on this key issue.

I am hopeful that the agreement between Greece FYROM will move us from an era of confrontation and instability to one which will prove mutually advantageous to the people of both Greece and FYROM.

The United States and its NATO allies want to continue to assist Greece and FYROM—within the framework of the UN-sponsored negotiations—to work out their remaining mutual problems, particularly the name issue, as soon as possible.

The failed assassination attempt on FYROM President Gligorov last year, as well as the continuing unrest among the ethnic Albanian population, vividly demonstrates the fragile stability in FYROM, and the need for regional stability.

CONCLUSION

I would like to conclude by reaffirming the special relationship that exists between the United States and Greece. This relationship is based on our long history of shared values and our common interests in stability in southern Europe.

Stability in Greece stands in stark contrast to the unsettled situation in Turkey and the rest of the Balkans. We must continue to engage with Turkey, as a critical NATO ally on a whole range of issues.

But until Turkey can resolve key issues—particularly finding some sort of political solution in southeastern Turkey and ending the division of Cyprus—the U.S. and Greece will find their efforts to achieve lasting stability in southeastern Europe thwarted.

PERSONAL EXPLANATION

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mrs. MEYERS of Kansas. Mr. Speaker, last week, on two occasions, I was recorded as not voting on measures at a time when I was on the House floor and did insert my voting card.

On Tuesday, September 17, I voted ''yes'' on rollcall 415, a motion to suspend the rules and pass the bill conferring honorary citizenship on Mother Teresa.

On Thursday, September 19, I was on the floor when rollcall vote No. 422 was called, and I voted ''yes'' on the majority leader's motion to table the Linder privileged resolution.

I am uncertain why these votes did not register, but I was present and voting in both instances.

THE IMPACT OF THE IRISH POTATO FAMINE ON AMERICAN HISTORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, today, I introduced legislation along with Representative MENENDEZ to encourage America's schools to teach our young students about a tragic period in history that nearly destroyed the people and country of Ireland and forever changed the face of America.

The mass starvation in Ireland from 1845 to 1850 initiated by the dramatic failure of the Irish potato crop is most commonly referred to as the Irish Potato Famine. Although Europe's poorest country in the middle 19th century, Ireland's 8 million inhabitants were curiously well-nourished. The Irish people relied on the potato for the bulk of their diet since it was inexpensive and high in nutrients. However, in 1845, the Irish potato crop was ruined across the entire countryside by phytophthora infestans, an airborne petilence. At the time, no one knew what caused the potato blight and so little could be done to save the crops. Across the whole of Ireland, potatoes simply rotted on the ground.

The failure of the potato crop led to the inability of most Irish families to pay the rent on their cottages which, after Britain's annexation of the island in the late 18th century, were often owned by British landholders. The vicious cycle of poverty was held intact by both the continuation of the potato blight and the active exportation of the Irish grain crop by the British Crown. Those who traveled across the island during the famine noted the horrifying situation in which they encountered the Irish people. Men, women, and children literally starved to death on the roadside and families huddled together in the cold waiting to die. In fact, while visiting Ireland in l845, the African-American abolitionist Frederick Douglas wrote that the people of Ireland ''are in the same degradation as the American slaves.''

A number of British groups threw aside the prevailing prejudices against the Irish to provide relief from what had become a starvation of epidemic proportions in the colony. The Quakers, or the Society of Friends, even set up a vast array of soup kitchens throughout the countryside. However, it was not enough to stop the hunger and loss of farming wages. By the end of the epidemic in 1850, more than 1 million Irish had perished from the hunger, cold, and disease brought about by the potato blight. It seemed the only way to elude the horrors of the famine was to leave Ireland—and so many did just that:

Although the voyage was treacherous and relatively expensive, more than 1 million Irish emigrated to the United States during the famine. Initially, they settled in the cities of the northeastern seaboard such as Boston and New York. Later they pushed westward to Chicago, the Great Plains, and the uncharted Western territories. With them they brought their Celtic culture and determination. Aside from impacting the basic makeup of the American people, Irish-Americans have made significant contributions in American business, law, music, athletics, literature, religion, and politics. In fact, U.S. Presidents John F. Kennedy and Ronald Reagan, considered by many to be the greatest Presidential orators in their respective political parties this century, are both from Irish-American families.

Perhaps, though, the legacy of the Irish Famine's immigration wave to America is most evident in our everyday lives. Today, 5 million of New Jersey's 8 million inhabitats claim some Irish descent, as do millions of other Americans. The resolution put forth today by myself and Representative MEMENDEZ recognizes the contributions made by Irish-Americans to our greater American heritage. Irish-Americans have left an indelible mark on American culture and history, and for that reason our children should learn more about the tragic famine which brought so many of them to our shores in search of freedom from hunger, freedom from want, and freedom from colonial rule.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–198)

SPEECH OF

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1996

Mr. HEFLEY. Mr. Speaker, today we will vote on whether to override President Clinton's veto of the Partial-Birth Abortion Ban Act which this body passed on November 1, 1995. The House voted overwhelmingly to ban this procedure, however, despite these earlier votes, this procedure is still being carried out today.

After many months of testimony and debate on this issue, and after seeing and hearing the grizzly details of this procedure, Congress voted to end its practice.

Dishearteningly, the cries of the children and those of their parents were ignored by the President when he vetoed this bill. Since the time of that veto, I have received over 2,000 letters and postcards from my constituents. All of these letters expressed the shock and sorrow they felt that the partial-birth abortion procedure was not brought to an end. These letters asked, pleaded, begged, and prayed that this Congress, that this House—the people's House—vote once again on this issue. They asked us, their representatives in Government, to vote again and override the President's veto. They asked us to ban partial-birth abortions.

I had hoped that we would not have had to vote on this again. I had hoped that the President would have joined this Congress to ban the cruel procedure that my colleagues here have so clearly described. Unfortunately, the President did not join with this Congress, nor did he join with the people of this great country in banning this procedure—he vetoed this bill. So, it is with a purposeful will and a compassionate heart that I ask my House colleagues to vote yes on this vote and override the President's veto and ban this callous act of partial-birth abortions.

SITUATION IN CYPRUS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. PORTER. Mr. Speaker, the recent shootings of two young Cypriots and a Turkish Cypriot soldier highlight the need to demilitarize Cyprus as a first step toward achieving a just and lasting solution to the Cyprus problem. Last fall, the U.S. House of Representatives adopted a resolution calling for demilitarization, and its was subsequently approved by the Senate Foreign Relations Committee.

Unfortunately, demilitarization will not occur demilitarization, and it was subsequently approved by the Senate Foreign Relations Committee.

Unfortunately, demilitarization will not occur unless Turkey demonstrates the political will to compromise. In order for that to happen, the United States and its European allies must make a concerted effort to convince Turkey that an end to the division of Cyprus is in everyone's security interest.

I urge all Members to consider the following letter to the editor submitted by Andrew J. Jacovides, the Ambassador of the Republic of Cyprus and respected colleague. Mr. Jacovides makes a compelling case in support of a strong effort toward Cyprus reunification and the protection of human rights on the island. It appeared in the Washington Post on September 9, 1996.

[From the Washington Post, Sept. 9, 1996]

CYPRUS: THE PROBLEM IS SOLVABLE

(By Andrew J. Jacovides)

The editorial ''Cyprus: Try Everything'' [Aug. 26], though well intended and timely, particularly in the wake of the recent brutal murders of two unarmed young Greek Cypriots who were peacefully demonstrating their justifiable feelings against Turkish occupation, miscasts some of the main relevant issues.

The recent events demonstrate that the status quo of occupation and forcible division is unacceptable and is indeed a source of tension and instability as well as the cause of grave injustice and much human suffering. In fact, there is much more in common that can unite Greek and Turkish Cypriots than the differences that at present divide them (though, of course, this does not hold true for the Anatolian settlers or the ''Grey Wolves'' imported from Turkey).

The Cyprus problem is solvable, and the basis for its solution lies within the parameters defined by U.N. resolutions, voted for also by the United States. In addition to the prospect of Cyprus's accession to the European Union highlighted in The Post's editorial, the demilitarization of Cyprus is a key element. In a resolution overwhelmingly adopted by the House of Representatives last September, Congress ''considers that ultimate, total demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support.''

There has been no lack of prominent diplomats engaged in the search for a Cyprus settlement, including Richard Holbrooke, Richard Beattie and, most recently, U.N. Ambassador Madeleine Albright. We certainly welcome such engagement. What is lacking, however, is the political will and the flexibility necessary to make a breakthrough toward a compromise solution on the part of Ankara, which has long held the key to such a solution through its military, economic and political dominance of the occupied northern part of Cyprus since 1974. Regrettably, the current regime in Turkey does not hold much promise that this will happen soon, unless there is a concerted international effort directed toward Ankara.

A just and lasting solution to the Cyprus problem is to the benefit of all parties concerned and is in fact crucial to improved relations between Greece and Turkey. For the United States, which has excellent relations with Cyprus as highlighted during the recent visit of President Glafcos Clerides to Washington, such a solution enjoys bipartisan support and is in the national interest. It can be achieved with active U.S. engagement and will be a foreign policy success for the United States and indeed for any administration.

The issue is not to just ''try everything'' but to take all appropriate and effective steps to end the division of the island and safeguard the security and human rights of all its people in a demilitarized, federal Cyprus within the European Union.

BROOKSIDE AMERICAN LEGION 50TH YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the American Legion Brookside Post 837 on its 50th anniversary. In commemoration of this special event, it is my pleasure to bring the history of this post to the attention of my colleagues.

The dedication of the members of Brookside Post 837 and its many members have brought it to this proud moment. Fifty years ago in 1946, a group of World War II veterans from the Brookside and North End sections of Wilkes-Barre gathered to begin plans to organize a chapter of the American Legion. Contact was made with Commander Renfer of District 12. He advised the group and provided charter application information. The application was submitted with only 20 signatures and the charter was granted. An election of officers was conducted, and the group chose Nick Maliborsky as the first commander.

Over the years the membership declined and the charter was in jeopardy. A reorganization of the post began. Paul Makuch was elected second commander of the post. Commander Makuch's resilience and good leadership were instrumental in bringing a number of members back to the post. There are now approximately 185 members.

Brookside Post 837, ''The smallest Post that does the most,'' is known for its support of Legion affairs such as; military wake services and funerals, parades, community sponsored activities, and strong comradeship.

Their history would be incomplete if not for the dedication of the women of the Ladies Auxiliary. These ladies must be acknowledged for their tireless efforts on behalf of the post and their spouses.

Mr. Speaker, the beginning years were difficult for this post, but due to the solid foundation of loyal members past and present, Brookside Post 837 now proudly celebrates 50 golden years of dedicated service to God, country, and the community. I am pleased to have been asked to be a part of this milestone celebration and send my best wishes to these proud Legionnaires for a prosperous future.

TRIBUTE TO DAVID E. McCREE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. DIXON. Mr. Speaker, today marks the 29th anniversary of Rayburn Underground Garage Attendant Dave McCree's employment on Capitol Hill. On Monday, September 30, 1996, Dave will retire from the ''Hill,'' where he has worked for nearly three decades. In recognition of his years of service to this great institution, I am pleased to rise today to wish him a wonderful retirement and to thank him for his year of service to the United States House of Representatives.

For the past 29 years, Dave's has been one of the first faces Members and staff encounter upon entering the Rayburn garage on C

Street, S.W. If your battery failed, Dave has been there for all of us with the portable recharger. If your problem was a flat tire, he has been there to repair your flat. And if the problem was a bothersome little clink under the hood, he has been there to offer advice and to occasionally tinker under the hood until the problem was resolved. In every instance, Dave has rendered this service with a smile, and with a sincere willingness to help.

Dave began his career on Capitol Hill on September 24, 1967. For the past 29 years, he has risen before most of us to make the trip from his native Baltimore to work on Capitol Hill. Among his most cherished memories I am told are the many dignitaries he has met, especially the renowned actors Kirk Douglas, Telly Savalas, legendary football great Rosie Grier, and the actress we all know as Wonder Woman, Linda Carter.

A man of few words, Dave has—I am sure—witnessed many changes on the ''Hill'' during the past 29 years. He has done so with dignity, and with a resolve to discharge his duties with the same high degree of excellence and dedication that have served as hallmarks of his career with the United States House of Representatives.

Mr. Speaker, those of us who have been here for many years can look with pride to the character and service of people like Dave McCree. He has been a loyal and dedicated employee whom we shall miss. Please join me in extending our heartfelt thanks to him for his years of service to this institution, and in wishing him and his family of five adult children continued happiness and success in the future.

CORPORATE RESPONSIBILITY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. HOYER. Mr. Speaker, corporate downsizing and layoffs continue to heighten the anxiety of the American worker.

In the new economy of the 1990's American workers can expect to change jobs seven or eight times throughout their careers.

No one can guarantee American families job security—however, American families can be protected from the destructive consequences of economic change—such as families losing health insurance and losing pension protection. We can also offer job training to increase the skills of our workers facing a rapidly changing job market.

Both President Clinton and the Democratic families first agenda call for initiatives to solve these problems, as well as to promote worker retraining and put people on the path of reemployment and higher wages.

But Government cannot solve the problem of worker anxiety alone—Corporate America must take responsibility, as well.

The following essay by noted social commentator Paul Harvey directly addresses the issue of corporate responsibility. Mr. Harvey, in his unique style, discusses Aaron Feurstein, president of Malden Mills, who continued to pay his employees even after his plant burned down.

Mr. Speaker, I commend Mr. Feurstein's actions—it is this type of commitment that builds security, trust and commitment between our Nation's workers and their employees.

[From the Paul Harvey News, Apr. 27, 1996]

NONE OF MY BUSINESS

Any business begins with an idea and grows by selling that idea. It sounds simple. It is not.

Retirement areas are studded with cheap grave markers. Pa and Ma, recently retired, have always enjoyed meeting people. Why not take their life savings and invest in a small retail business?

Buying and selling sounds like fun.

But Pa and Ma and their business are likely to suffocate under an avalanche of tax forms and other government required documents.

You'll see this cruel rise and fall repeated many times in any shopping mall. This next relates to that, however, distantly:

These days, for any business to keep going requires further investment in tax accountant, lawyers, bookkeepers and sales staff.

And on the way to incorporation on a large scale, the business is likely to accumulate redundant layers of bureaucracy and to leave its ''heart'' behind.

You have sometimes been amazed at how some big corporation will invest millions of dollars a year in ''public relations'' then—with one heartless massive layoff of workers just before Christmas—the corporation shoots itself in the foot.

A corporation has outgrown its britches when its bean-counters announce with pride ''record profits'' one week before its labor relations lawyers are scheduled to negotiate a new contract.

What has come to be called ''corporate downsizing'' is going to be a significant economic issue in the next election.

There is no way to streamline an overbloated business other than by shrinking the number of employees but unless corporate giants also practice ''the golden rule'' in their dealings with employees they are inviting a rude rebuke.

Enlightened management has already learned to weigh short-term profits and the obligation to stockholders—and balance those considerations against treating employees fairly, preserving customer loyalty and maintaining an affirmative public image.

Any CEO who orders layoffs in the name of cost-cutting while preserving his own multimillion dollar income intact is at least unfeeling.

Industries are going to need all the friends they can get next polling time.

One good example is worth a thousand admonitions: When Malden Mills burned last December, its President Aaron Feurstein vowed to rebuild and to keep all his workers on the payroll.

This icon of corporate decency has been rewarded with three divisions already running again and 80% of all employees back at work.

It cost Malden Mills ten million dollars to pay those workers while they are idle but, back at work, both quality and efficiency are better than ever. At one plant production has doubled!

Mr. Feurstein says, ''To discard responsibility to our workers and to think only of profit in the long run will profit no one.''

HONORING TELAMON ELECTRONICS

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. KIM. Mr. Speaker, I rise today to congratulate a dynamic small business in my district. Telamon Electronics will celebrate the opening of its expanded facility in Chino, CA, on October 1. Located 35 miles of Los Angeles, the growth of Telamon Electronics—a subsidiary of Telamon Corp. in Indianapolis—is having a significant impact on the economy of California's 41st District.

Telamon Corp.—working with suppliers and customers, including Nortel and Pacific Bell—has been providing high-technology telecommunications products and services to the telecommunications industry since 1984. Telamon was founded by Albert Chen, who built the company with the vision that a highly creative company poised to support one of the world's fastest growing industries could gracefully combine financial success, corporate growth, employee satisfaction, the highest quality products, and services in the industry, as well as customer satisfaction.

Over the years Telamon's range of capabilities has increased, as its reputation for creative solutions with uncompromising quality has become widely recognized. This has resulted in enormous growth—from sales of $400,000 in 1985 to sales of $108 million in 1995.

In 1989, Telamon Electronics was established as a value-added supplier of material management, preinstallation assembly, and other support services to Regional Bell Operating Cos., independent telephone companies, and government agencies located in the Western United States. Under the leadership of Michael Shen, president and Allen Vick, vice president, Telamon Electronics has achieved great success, which it has passed along to the city of Chino, the county of San Bernardino, and the State of California. As the highest sales tax generator out of 2,100 businesses in the city of Chino, Telamon Electronics added almost $1 million in tax revenue to the economy of California's 41st District.

Tax revenue is only one part of Telamon Electronics' impact on the local economy. Telamon provides employment for many people in the inland Empire. The number of employees has grown to over 35 in 1996. To foster employee growth, Telamon Electronics offers profit sharing, suggestion rewards, scholarships for employees' children, and education grants for professional growth.

It gives me great pleasure to ask my colleagues to join me in congratulating Albert Chen, Michael Shen, Allen Vick, and all the employees of Telamon Electronics for making a real difference in our local community.

THE 175TH ANNIVERSARY OF TRINITY EPISCOPAL CHURCH IN ST. AUGUSTINE, FL

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mrs. FOWLER. Mr. Speaker, I would like to bring the attention of my colleagues to an event of great historical significance which will be occurring in my district on October 13, 1996. On that date, Trinity Episcopal Church of St. Augustine—Florida's oldest Protestant Church—will celebrate its 175th anniversary.

Established in 1821 by a missionary priest from St. Phillips Episcopal Church in Charleston, SC, Trinity has had a long and distinguished history. It was one of five churches in

the State of Florida which met in 1838 to form the diocese of Florida; and it has always been an integral part of life in St. Augustine, America's oldest city.

Trinity has met the worship needs of many thousands of people over the last 175 years. In addition, the parish has shown a continuing commitment to serving the community at large. Trinity supports St. Gerard House, which ares for unmarried pregnant women; and provides meeting space for various groups, including alcoholics anonymous. The church also helped to create St. Francis House, a facility which provides assistance to the poor and to transients who pass through St. Augustine. In addition, Trinity's Early Learning Center provides a nurturing and educational environment for some of the community's youngest residents.

Mr. Speaker, I know my colleagues will join me in congratulating the members of Trinity Church on reaching this significant milestone, and in thanking them for their devotion to spreading the word of God and serving others.

RETIREMENT COMMENDATION OF RICKY N. RIGGINS

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. CHRYSLER. Mr. Speaker, I rise today to commend Chief Ricky N. Riggins.

Chief Ricky N. Riggins was born in Oxnard, CA, on June 29, 1954. He graduated from Nordhoff High School in June, 1972, and attended Ventura Junior College for one semester before joining the U.S. Navy on February 5, 1973. His illustrious 24-year career has led Chief Riggins to various assignments after completing signalman training in San Diego.

While on active duty, Chief Riggins attended Central Texas College. He graduated in August of 1994, receiving an associates degree in general studies. Signalman Chief Petty Officer Riggins plans to attend Michigan State University to complete his masters degree after he retires.

Chief Riggins has served his last 2 years as the leading chief signalman on board the U.S.S. *Germantown* (LSD–42), responsible for the welfare and training of all assigned personnel in the communications division as well as the operations department. Chief Riggins is married to Pantipa Hartke of Korat, Thailand. They have four children: First, Ricky, Jeremy, and Jamie, as well as two grandchildren, Ricky and Jeremy, Jr.

Chief Riggins has had significant community involvement. He was active in his church as a deacon, a lay leader, as a member of his church council youth ministries committee, and as church council secretary. Chief Riggins served as a Red Cross volunteer providing service to military families, and as a contact person for military service members and their families through the Red Cross Service to Military Families. With over 500 hours contributed in the State of Michigan and around the world, Rick was selected as the SMF Volunteer in the Spotlight for the month of October 1993.

Rick has been involved in the Boy Scouts of America in Lansing, MI, and abroad in Japan's Far East Council. During his reassignment to Sasebo, Japan, for the last 2 years, Chief Riggins has served as the unit commissioner for Troop and Pack 76 as a member of the Far East Council. His accomplishments and awards are truly awe-inspiring, and I thank Chief Riggins for his contributions to our society not only as a Member of Congress, but as a citizen of Michigan, the United States, and the world.

HONORING CALVERTON NATIONAL CEMETERY AS 1996 TROPHY WINNER OF ROBERT W. CAREY QUALITY AWARD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate the Calverton National Cemetery of Calverton, NY, for being recognized as this year's Robert W. Carey Quality Award winner.

The Robert W. Carey Quality Award is an annual award presented by the Secretary of Veteran's Affairs to recognize organizations within the Department which have implemented quality management in an exemplary manner, resulting in high quality products and services while promoting the effective use of taxpayer dollars. Named in memory of Robert W. Carey, Director of the Veterans Administration Regional Office and Insurance Center in Philadelphia, this award is the highest and most prestigious quality award presented to an organization by the Department of Veterans Affairs. It seeks to promote quality management awareness and implementation throughout the Department and to provide a model against which organizations can assess their quality transformation efforts and organizational effectiveness in delivering services. This award is used as an internal assessment tool and supports the Secretary's Performance Agreement with the President.

I urge all my colleagues to join me in congratulating the Calverton National Cemetery for their outstanding achievement and well-deserved honors.

THE RURAL LAW ENFORCEMENT ACT OF 1996

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. BALDACCI. Mr. Speaker, I am pleased to introduce today the Rural Law Enforcement Act of 1996. This bill recognizes that in spite of recent efforts to provide adequate funding and resources for law enforcement departments around our Nation, a significant segment within this population continues to be underserved. I am speaking about those departments that serve rural areas.

One-third of all Americans live in nonurban areas and 90 percent of all law enforcement agencies serve populations of fewer than 25,000 residents; 75 percent of all law enforcement agencies serve a population of fewer than 10,000 residents; 85 percent of police departments in America have 10 or less officers on the force. Yet statistics show that fewer than 200 cities get the lion's share of Federal funding for combating crime. This would not be problematic but for the fact that while the national crime index for violent crime has been on a steady decline over the past 5 years, rural violent crime has increased over 35 percent from 1985 to 1995. It is in response to this trend along with the pleas for increased resources that I have heard from rural law enforcement agencies in my district that I introduce this legislation.

This bill seeks to enhance the National Center for Rural Law Enforcement and charges this Center to provide, among other things, the following resources for rural law enforcement agencies nationwide:

Training of law enforcement supervisors and personnel who serve in rural communities on how best to address those criminal issues that are unique to their rural areas, taking into consideration the limited resources available to these departments.

Funding for grants and contracts for Federal, State, and local units of government; as well as for public and private agencies, educational institutions, organizations, and individuals; to work together effectively in combating crime in rural areas.

The establishment of a clearinghouse and information center on criminal justice and law enforcement to provide a communications network to link rural agency heads to one another, around the country.

Consulting assistance to criminal justice agencies with respect to problem solving, training, and community outreach in rural law enforcement jurisdiction.

I have been in touch with law enforcement officials and community leaders in my home State of Maine regarding this legislation. From the community response coordinator for a domestic violence program in Bangor, to the U.S. marshal of Maine, to the sheriff of rural Aroostook County, to the former chief of police of Presque Isle, I have heard unanimous support for this legislation. The reasons for their support were unanimous as well—there are just not enough resources currently available for rural law enforcement to adequately address the needs of the populations they serve.

Providing public safety is a crucial part of the infrastructure that makes up our communities; allowing effective and impartial enforcement of the law is one of the most important functions of the Government. We look to law enforcement officials to adequately address issues of crime and violence in our communities, to know how to quickly assess situations and respond appropriately, and to reach out to other individuals and services in the community in efforts to learn about their concerns and about the resources available within their programs. I believe that this bill will make these goals into realities for our rural law enforcement agencies.

ECONOMIC DEVELOPMENT IN PUERTO RICO

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, Congress took dramatic action last month in the Small Business Job Protection Act

(Public Law 104–188) by eliminating the principal tax incentive for economic development in Puerto Rico, section 936 of the Internal Revenue Code. While I supported this measure, it was unfortunate that we could not use this opportunity to construct a long-term replacement incentive program, as urged by Puerto Rico Governor Pedro Rossello. I believe it is very important that we return to this subject in the next Congress to build a new long-term economic incentive for Puerto Rico using as its base the new section 30A of the Tax Code, which we established in the small business legislation.

There is consensus that the job creation incentives in section 30A, while a useful start, do not provide the dynamic incentives needed by the 3.7 million American citizens of Puerto Rico to become economically self sufficient. along with Ways and Means Committee Chairman BILL ARCHER, I would like to work with Governor Rossello and other elected leaders of Puerto Rico to develop a sound long-term economic program to achieve this goal.

Although section 936 has been eliminated because its benefits were deemed overly generous in the current budgetary climate, the last chapter for Puerto Rico economic incentives has not been written. I look forward to working in the next Congress toward long-term, effective incentives that foster new investment and create high-quality jobs in Puerto Rico.

TRIBUTE TO WILLIAM BROWER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to note the recent retirement from the Blade newspaper of Toledoan, William Brower, a well-known veteran journalist of more than 50 years. He became one of the first African-Americans to work for a daily Ohio newspaper. He was officially recognized this year by the National Association of Black Journalists for its Lifetime Achievement Award.

A Wilberforce University graduate, Bill began his journalism career writing for African-American newspapers in Baltimore, Philadelphia, and Richmond, VA. Hired by Toledo's newspaper, the Blade, in 1947, Bill began as a general assignment reporter. Throughout his years with the paper, he held positions covering the police, courthouse, and education beats, and served as an assistant city editor, news editor, and associate editor. His thrice weekly editorial columns covering politics, sports, and topics of interest to African-Americans became a staple of Toledo area news.

In 1951, he was awarded a Pulitzer Prize nomination for a series of stories written after a tour of 20 States on the conditions experienced by black Americans. In 1971, he followed that story with a series, ''Black America—20 Years Later,'' which won him a Robert F. Kennedy Foundation Award.

The National Association of Black Journalists paid tribute to Bill for his ''pioneering spirit'' and ''outstanding leadership in the media industry.'' The same can be said of his role in our community. Bill Brower and his wife Edna have been groundbreakers, trailblazers, and voices of strength and wisdom in Toledo. Their dedication to one another continues to be a source of inspiration to us all. His writings have often required us to look at a reflection of ourselves, and in doing so, have moved us to become better people.

No commendation could sum up fully half a century of journalistic achievement. But in honoring his life, the Blade has endorsed independent thought and the advancement of our common heritage as a free people.

ETHNIC TENSIONS CONTINUE IN THE BALKANS

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Ms. MOLINARI. Mr. Speaker, as the international community awaits analysis of last Saturday's Bosnian elections, it is now time to focus the spotlight on the other ethnic conflicts that continue to fester in the Balkans. A lasting peace in the region can never be obtained without a satisfactory resolution of the ethnic tensions there.

With that in mind, I commend the Congressional Human Rights Caucus for holding a briefing last week to report on the situation in Sanjak, a small region of the former Yugoslavia that is bordered on one side by Bosnia and on the other by Kosova. Testifying at the briefing was Mr. Bajram Omeragic, president of the external board of the Muslim National Council of Sanjak. His statement provides an illuminating discussion of the plight of the Bosniac people of Sanjak, and why they believe the international community must come to their assistance.

TESTIMONY OF MR. BAJRAM OMERAGIC

I.

Mr. Chairman an Distinguished Members of the Caucus. It is an honor for me to testify before you this morning to discuss the problems facing the Bosniac people of Sanjak, a region of former Yugoslavia that has largely been ignored by the international community. We are grateful for the growing interest in Sanjak among Members of the U.S. House of Representatives and Senate.

We have suffered in relative obscurity until now, and you are helping us generate the attention our people deserve and recognition that the intolerable situation we face cannot be prolonged.

II.

On the eve of the elections in Bosnia Saturday, the eyes of America and the world are focused on the Balkans. Regardless of the outcome of the Bosnian elections, the struggle to achieve lasting peace and freedom in the Balkans has just begun. As U.S. mediator Richard Holbrooke said recently, the Bosnia elections do not constitute the end of the game, but rather the beginning of establishing democracy in former Yugoslavia.

Mr. Holbrooke's recognition that the Dayton agreement was incomplete and inadequate implies that there is indeed unfinished business that must be resolved. We agree with Mr. Holbrooke that a new Dayton-type international conference on former Yugoslavia should occur soon after the Bosnian elections to address the wide range of issues that were intentionally left out of last year's agreements.

The ''Dayton II'' agenda should include resolution of the status of the Sanjak region and other troubling, and potentially dangerous conflicts that must be resolved before lasting peace can be achieved in the Balkans.

As Western powers meet with Balkan leaders at the December London conference, the issue of Sanjak must be on the agenda of unfinished business.

III.

While the world focuses on the Bosnia elections Saturday, there is another election coming up that demands the attention of the international community and world news media.

On November 3, the citizens of the Federal Republic of Yugoslavia, that is Serbia and Montenegro, will go to the polls to elect federal leaders. In Sanjak, we have decided to participate in the elections.

A boycott by our people would mean that we would have absolutely no opposition voice in federal government decisions. We prefer to fight for change from within.

While we are committed to democratic and fair elections, the Belgrade regime is not. We have evidence that Milosevic is trying to rig the elections in Sanjak in favor of the Serbs. By arbitrarily changing the number of voters comprising an election unit, based on numbers of Serbs in each voting district, Milosevic is trying to steal the election in Sanjak. There are election districts in which 200 Serbs will elect candidates, while similar districts will require 2,000 Bosniacs to elect a candidate. Such undemocratic, unfair and illegal tactics must be exposed. This cynical manipulation of the election process should alarm the U.S. and other democratic nations.

The president of our Council, Dr. Sulkeman Ugljanin, is meeting in Sarajevo this week with Carl Bildt, the international community's representative in former Yugoslavia, to express our outrage at such tactics. We are urgently requesting international election monitors to observe and report on such election irregularities and abuses.

We call on the U.S. Congress to send observers to Sanjak to see for themselves.

IV.

Sanjak is a small region of Yugoslavia, some 8,687 square kilometers, bordered on one side by Bosnia and Kosovo on the other. Two-thirds, or 350,000, of our people are Bosniacs who have historically maintained strong ties to Bosnia.

Throughout its history, Sanjak has been subjected to a deliberate, premeditated campaign of brutality and repression at the hands of the Serbs and Montenegrins. Conditions became much worse since the Milosevic regime unleashed its campaign of terror against non-Serbs and Bosnia exploded into war.

In April 1992, the Bosniac people were expunged from the constitution of Yugoslavia. Bosniacs living near the border were subjected to ''ethnic cleansing'' even though they lived within Serbia.

Over 60,000 Bosniacs have fled our homeland, dispersed throughout Europe and America;

250 Bosniacs have been killed, kidnapped and/or disappeared;

In the townships of Priboj and Pljevlja, 51 villages have been ethnically cleansed with homes looted and demolished;

317 homes have been destroyed;

Over 17,000 Bosniacs have been subjected to some form of state military-police brutality and terrorism;

During 1993 and 1994, our political leaders, including Mr. Hadzic, were arrested and organized political processes were halted;

An arrest warrant was issued for the President of the Muslim National Council of Sanjak and SDA, when he was going to a peace conference in Geneva; he has been living in exile for three years.

Please allow us to remind you that Sanjak is the only territory in the Federal Republic

of Yugoslavia where citizens do not have freedom of movement. People from Priboj and Pljevlja are forbidden from returning to their villages from which they were expelled.

Many Bosniac citizens have been sacked from their jobs with state companies, leading to a serious humanitarian situation in the country.

V.

I can tell you today that President Ugljanin will return to Sanjak before the end of this month. When he does, we are afraid he could be arrested by Yugoslav authorities. This must not be allowed to happen.

We appeal to Members of the U.S. Congress and parliamentarians around the world who are committed to political freedom and liberty to join us in an unprecedented demonstration of support for democracy. We invite Members of the Congressional Human Rights Caucus to come to Sanjak, to accompany President Ugljanin as he returns, and to lend their opposition to the antidemocratic Yugoslav regime at this critical time.

We encourage U.S. and international journalists to shine the revealing spotlight of media coverage on the Yugoslav autocratic, repressive and undemocratic regime.

We need your help, and we need it now.

VI.

There are other peoples in the Balkans who have suffered tremendous hardships and atrocities, confirmed by dozens of investigations and reports by officials such as Tadeusz Mazowiecki, former U.N. Special Rapporteur for human rights in former Yugoslavia, and his successor, Mrs. Elisabeth Rhen. Reports from the U.N. Human Rights Commission, U.S. State Department, Amnesty International, Helskini Watch, and many others have documented the Serbian-Montenegrin reign of terror and human rights violations.

In 1991, the Muslim National Council of Sanjak encouraged all young men from Sanjak and other parts of Yugoslavia not to participate in the war in Slovenia and Croatia. We have chosen a path of peaceful resistance to achieve a special status or autonomy within Yugoslavia. So far, the international community has not addressed our problem, in spite of the fact that we have chosen peaceful means to achieve that goal. That is a bad message for the future.

While we accept, if not fully understand, why the Dayton Agreements focused solely on the situation in Bosnia, now is the time to look beyond Bosnia to the range of ethnic problems that will cause continued unrest in the Balkans until they are satisfactorily addressed.

In Dayton, the United States assumed a leadership role toward seeking peace in the Balkans. We applaud that leadership, and ask that you now take the next steps to begin soon after Saturday's elections. On the agenda should be a special status for Sanjak which recognizes the rights and freedoms of our people.

We seek:

Natinal equality within former Yugoslavia;

A special status (autonomy) as a mechanism to achieve national equality;

The maintenance of the ''outer wall'' of sanctions in Serbia-Montenegro until the status of Sanjak is resolved;

Return of the OSCE permanent mission to Sanjak to help establish the necessary conditions for observing elections.

An end to political persecution such as that in Novi Pazar, our capital, where our elected political representatives have no freedom of movement. Their passports have been confiscated by Serbian police, making it impossible for them to travel. They are forced to come to so-called ''informative talks'' with the Serb authorities during which they are abused and terrorized.

U.S. pressure on the War Crimes Tribunal in The Hague to charge those who destroyed 51 villages and kidnapped and killed Bosniac people in Sanjak.

VII.

Since 1991, the world has witnessed in the Balkans the worst crimes against humanity since World War II. At the War Crimes Tribunal meeting in The Hague is demonstrating, the overwhelming preponderance of atrocities have been committed by the Serbs, in quest of a ''Great Serbia.'' With the Bosian elections Saturday a key benchmark in implementation of the Dayton agreement, the future is far from settled.

Indeed, the elections with the expected fraud, manipulation, intimidation and incompleteness will most likely perpetuate the confusion and fall short of moving toward a unified Bosnia.

The Bosnia people of Sanjak have endured a lot, and while we are prepared to negotiate our fate in good faith, we call on the United States of America, the one champion of human rights and political freedom in the world, to come to our aid.

Thank you, again, for providing us this opportunity to appear before you today. We are prepared to respond to your questions.

IN HONOR OF HELEN L. SEVERNS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to Mrs. Helen L. Severns, who passed away May 2, 1996.

Born and raised in Decatur, IL, Helen Severns was a pillar of the community who served in countless ways up to the very day of her passing.

The daughter of the late Russell Waggoner and Goldie Waggoner Watson, Helen Severns was an active member of the Concordia Lutheran Church. She was a tireless volunteer for the Retired Senior Citizen Program, Meals-On-Wheels and other civic groups, including being given a lifetime membership award from the Parent-Teachers Association.

Being a political volunteer was perhaps the most colorful thread she wove into the fabric of her hometown. Helen Severns began her remarkable career when she served as Democratic election judge from 1972 to 1976. She was a precinct committeewoman from 1976 to 1992. She coordinated Macon County for Senator PAUL SIMON, was a member of the Independent Democratic Women's Organization, served as cochair of the Illinois Electoral College in 1992 and represented Illinois as an elector to President Clinton's inauguration in 1993.

Despite all of these lofty achievements, Helen's greatest joy was when her daughter won her first State Senate race. I have been honored to serve in the Illinois State Senate with Senator Penny Severns and to share the responsibility of dealing with the issues important to our many mutual constituents. With Penny and Helen Severns, the apple did not fall far from the tree.

Helen Severns is survived by her husband, Donald, her sons Donald Severns, Jr. and Rodney Severns, and her daughters Patty Severns Love and Penny Severns. She is dearly missed, but we are comforted by her memory and inspired by her legacy.

LEO BALCER INDUCTED INTO THE MICHIGAN POLKA MUSIC HALL OF FAME

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. CHRYSLER. Mr. Speaker, I rise today to commend Leo A. Balcer.

Leo A. Balcer was born in Bay City, MI, in 1932. Keeping with a family tradition of music, Leo became a first-rate accordion player. I am pleased to witness Leo Balcer become the newest member of the Michigan Polka Music Hall of Fame.

From playing with the ''Melody Makers'' in Bay City St. Stanislaus High School, Leo continued his musical career in the U.S. Air Force in 1952. His dance bands were fabulous entertainment, and were competitive in band contests in the United States and abroad.

After graduating from Michigan State University in 1960, Leo and his family settled in the Lansing area. Soon, Leo and his seven piece band became a cornerstone of the mid-Michigan music scene. Leo has brought joy to thousands of people as he led his band to restaurants, bars, dance clubs, and community events.

Leo's career has not been confined to the United States. Along with performing competitively in Libya while in the Air Force, Leo has performed twice in Austria at the International Polkafest.

I salute the musical accomplishments of Leo Balcer, and commend him for his years of dedicated entertainment to the people of Michigan and around the world. In the words of our Polish forefathers, ''gratulacje!''

DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT OF 1996

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Ms. NORTON. Mr. Speaker, this replacement bill contains an amendment which was meant to be incorporated into H.R. 3244, the District of Columbia Economic Recovery Act of 1996. Only because of the rush to get H.R. 3244 in on April 15, 1996, income tax day, was it omitted from the bill. This amendment is not an unusual provision. As is often the case with a bill which strives for particular effects, this amendment provides a mechanism to measure those effects. The primary importance of this amendment is to provide for course corrections, if necessary. Because no bill of this kind has been attempted before, unintended consequences could arise and changes may be needed. The data the Treasury will provide will alert Congress of any need for changes or improvements in the bill based on actual experience.

THE ETHICS PROCESS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. GOSS. Mr. Speaker, I offer these comments in response to those submitted by my dear friend, the ranking member of the Rules Committee, Mr. MOAKLEY, late last week. Mr. MOAKLEY was continuing the dialog about our ethics process and I wish to respond directly to his comments.

I am delighted to know that members of the minority are now engaging in a productive discussion about the need to review—and consider changes to—our current ethics process. As I have said for some time, it is my view—shared by many of our colleagues on both sides of the aisle—that the process is broken and needs comprehensive reform.

Of course the existence and authority of the Ethics Committee is provided for under rule X, which is the unique province of our Rules Committee. I agree that matters relating to this committee and its functions are best addressed without partisanship and with the best interests of this institution in mind. All of my efforts to date in attempting to bring about constructive change in the current process have been made in a spirit of bipartisan cooperation.

The Rules Committee included a commitment to review the ethics process, as prescribed by House rule X, in our oversight plan for the 104th Congress. I refer interested observers to the Government Reform and Oversight Committee's report from March 1995 which incorporated the oversight plans of all committees as required by rule X(2)(d). Specifically, the Subcommittee on Legislative and Budget Process' intentions with respect to the ethics process can be found on page 169 of that report, which states that ''the subcommittee intends to review the mandate of the [standards] committee as established in rule X, clause 4 as amended by the Ethics Reform Act of 1989 and the manner in which its members are chosen and required to serve.'' That particular oversight recommendation was made as part of our committee's overall oversight agenda, and adopted by voice vote of our committee with no complaint by the minority on February 14, 1995.

Since that time I have made several efforts to proceed with what I have always believed would be a bipartisan review of the current process, followed by a bipartisan discussion of options for reform for the next Congress. I had many conversations with our subcommittee's ranking minority member, MARTIN FROST during which he expressed continued reluctance to proceed on this subject. In fact, we conducted a lengthy written correspondence as well, and in deference to him and to the apparent wishes of the Democrat leadership, I postponed our formal review several times. I did, however, proceed in my capacity as a Member of this House in late January of this year and put forward House Resolution 346, embodying my own ideas about ways in which the process should be revised.

At that time, Chairman SOLOMON released a statement that said: ''We are honoring the request of the ranking minority member on the Goss subcommittee, Mr. FROST, by not proceeding with hearings at this time. But I think we have an obligation to begin to gather reactions and suggestions from Members and persons outside the Congress on these proposals so that we are prepared to proceed with formal hearings later this year.''

It has always been clear to me that ethics process reform should be a bipartisan effort and should be based on input from all points of view. I don't think there is any disagreement on that point. In fact, during our committee's unprecedented hearings to take input from Members and outside witnesses about ideas for building upon the changes that were made to our rules in this Congress as we prepare for the 105th Congress, it became clear that many Members already have developed ideas about improving the ethics process.

The purpose of all of my efforts on this subject is to move the review process forward in a productive manner so that we do not find ourselves in the position where Members want change yet we are locked into the current process for another whole Congress. It is my view that there is advantage to having Members involved in that effort who have had frontline experience with our current process.

I look forward to working with all my colleagues on a bipartisan basis in addressing this issue.

HONORING THE HUNTINGTON BREAST CANCER ACTION COALITION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the extraordinary work of the Huntington Breast Cancer Action Coalition. This coalition has been instrumental in escalating our awareness about the high rate of breast cancer throughout the Huntington community.

The Huntington Breast Cancer Action Coalition conducts town meetings, provides breast exam workshops and distributes educational literature. Moreover, this important organization works with the Suffolk County Department of Health Services to provide yearly mammograms at St. Hughes of Lincoln Church in Huntington Station. The success of this independent, grassroots organization has been studied around the world. In fact, the Huntington organization has inspired the creation of the Tokyo Breast Cancer Action Coalition.

The coalition was created on October 12, 1992, by a group of women led by Karen Miller, who cared deeply about the high rate of breast cancer in their community and had been affected personally by this most serious condition. These women educated their families, friends, and neighbors about various prevention and early detection measures. By 1993, the organization had opened administrative offices. Today, the Huntington Breast Cancer Action Coalition has 1,500 active volunteers, each of whom is committed to putting an end to this serious condition. The organization has sent a woman's breast health survey to 68,000 households throughout Huntington. So far, they have compiled 26,000 responses in their computer data base. The coalition eventually wants to use these findings to help determine the cause of the high rate of breast cancer in Huntington. At a dinner on October 1, the coalition will honor the following members who truly demonstrate the selflessness and compassion of an entire organization.

Michael Miller, who is the husband of the founder of the coalition, has been an outstanding leader in our fight against breast cancer. His wife's struggle with breast cancer has led him to nearly a decade of outspoken advocacy. Mr. Miller has owned and operated the A–OK Appliance Co. for 33 years. He is also an active trustee of his synagogue. Michael Miller has lived happily on Long Island with his wife and three children since the 1960's.

Denise Kleinman, another Coalition activist, has been working toward the creation of a Breast Cancer Awareness Clinic. Her lifetime of work truly represents how one individual can make such an extraordinary difference. This former New York City teacher has been involved in both her local PTA and in her synagogue. She is also a volunteer for Island Harvest which collects excess food and distributes it to the needy on Long Island. Denise Kleinman currently resides in Dix Hills with her husband and three children.

Carol Caruso has been one of the most active members of the Huntington Breast Cancer Action Coalition. Both she and her husband have donated substantial resources from their family business in order to support this worthwhile cause. Her actions demonstrate how a local business can work alongside a volunteer organization in order to further the common interest of an entire community. Carol Caruso has also been an active volunteer in the Multiple Sclerosis Foundation. She currently lives in Oyster Bay where she enjoys the company of her six grandchildren.

The Huntington Breast Cancer Coalition truly represents the ideas of compassion, community and determination. Their selfless actions will help others overcome their struggles with breast cancer. Mr. Speaker, I ask my colleagues to join me in honoring these extraordinary individuals and the outstanding work they have done for their community. The organization's dynamic leaders and dedicated volunteers should serve as a model for us all.

WE CAN NO LONGER WAIT FOR MENTAL HEALTH PARITY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. DEFAZIO. Mr. Speaker, Americans are tired of being discriminated against by their insurance company. Mental health parity language included in the VA–HUD appropriation bill was recently endorsed by an overwhelming majority in the House. Nearly five million men, women and children suffer from a severe mental illness. Yet, only 2 percent of the mentally ill receive insurance coverage. Unfortunately, greed seems to be the driving force behind efforts to deprive so many of our friends, relatives and neighbors of this basic care.

We cannot wait any longer to subject mental health benefits to the same annual and lifetime caps as those for physical health. Currently, private insurers place lifetime limits of $1 million for cancer, heart disease, diabetes, and tuberculosis but lifetime limits on mental illness is typically set at $50,000 or less. This

disparity is a straightforward solution that will provide financial relief.

A study conducted by Coopers & Lybrand indicates that mental parity legislation would save over $16 million in Medicaid costs annually. People who exhaust their current health care benefits are forced to fall back on the Federal health care system. This is certainly not my idea of responsible fiscal management of our public health care. America's insurance companies can well afford to equalize caps for both mental and medical conditions. We have waited long enough for this comprehensive, financially prudent approach to health care reform. By providing parity for mental health benefits, we are helping millions of Americans move closer toward meaningful recovery. I urge all of my colleagues to listen to the voices of concerned citizens and guarantee mental health parity for all those in need of long-term treatment.

RECOGNIZING OLYMPIC ACHIEVEMENT AND WOMEN'S ATHLETICS

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. BALDACCI. Mr. Speaker, I want to take a moment to recognize the outstanding accomplishment of a gifted athlete and special constituent of mine. Her name is Diane Madl. She is a talented field hockey player and coach. Diane is also an Olympian. At the Atlanta games, she helped the U.S. women's field hockey team to a very respectable fifth place finish. All of Maine is rightfully proud of Diane's selection for the U.S. team and of her performance at the centennial games.

Perhaps more importantly, however, Maine people are grateful for her work at the University of Maine in Orono. As an assistant field hockey coach, Diane serves as a teacher and mentor to many female athletes. Along with head coach Terry Kix, Diane is helping to build a strong athletic program; one that is instilling valuable lessons in each woman associated with it.

Diane's commitment to excellence in the Olympics and at the University of Maine, as well as her dedication to female athletes and belief in all the good that athletes can do is deserving of our recognition, and a heartfelt thank you.

CONGRESS MUST PRIORITIZE STUDENT FINANCIAL AID AND EDUCATION PROGRAMS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. THOMPSON. Mr. Speaker, I am concerned that as the budget process for fiscal year 1997 comes to a close, whether through an omnibus appropriations bill or by normal appropriations bills, this Congress may not sufficiently prioritize student financial aid and education programs. As we all search to balance the budget, let us not forget the heavy burden that our educational institutions have for preparing today's youth to lead America in the next century.

I understand that cuts will inevitably be made, and many of the President's funding requests will not be met as we wind our way through these budget debates. However, to those Members who feel it is necessary to balance the budget by eliminating Goals 2000, Perkins loans, and Healthy Start while also slashing funding for Pell grants, teacher training programs, and Safe and Drug-Free Schools, I must ask that you reexamine your values.

For example, consider the words that Tomika Harris of Fayette, MI wrote as she applied for a summer scholarship for needy students at the University of Southern Mississippi. In response to the question, ''What impact will the loss of financial aid have on your educational goals and what does financial aid mean to you?'', Ms. Harris gave us an insight into how important financial aid and a higher education are to today's youth:

> The loss of financial aid will have a dramatic impact on not only me, but also my peers. In my community, there is mostly lower middle class and poverty stricken people. However, most of the kids want to continue their education, but because we have low employment rates, we depend on financial aid terribly to attend a higher education institution. If Congress takes financial aid away, that will be more students on the streets probably selling drugs instead of learning in a classroom. To me, financial aid is not money to go to college, but an opportunity for success.

Perkins loans, Pell grants, Goals 2000, Healthy Start and many of these other programs serve as primary vehicles to lift by State out of the poverty that has consumed generations of bright, young minds. Even now, I can hear the voices of the mothers and fathers I see each weekend in Mississippi telling me that they know their child will have a chance to end the cycle of broken dreams if he or she can only get a Head Start. Now, just as years of hard work by teachers and public officials have helped Mississippi and this Nation to finally begin throwing off the heavy shrouds of poverty, do not send us back into an abyss of shattered lives and undereducated minds.

Each of us has a duty as elected official to heed these voices. Listen to them, they are the children of today hoping for tomorrow.

TRIBUTE TO THE TOWN OF NEW BEDFORD

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. KLINK. Mr. Speaker, it is with great pleasure that I rise today to recognize the town of New Bedford on the occasion of its 200th anniversary celebration.

New Bedford, located in northern Lawrence County, was settled in 1796 by James, Thomas, and Andrew Black. The Black family established a 400-acre tract which today encompasses the entire town of New Bedford. The town itself was named for Dr. Samuel Bedford, whose Bedford claim included portions of land in Mercer and Lawrence Counties.

The original town, designed by Daniel Inbody, was laid out in 1818, and consisted of 89 lots. In 1827, a post office was established and other early enterprises included a grist mill, pottery, tavern, tannery, creamery, and distillery. The first school in the area was situated at Hopewell in the old building erected by the Presbyterian congregation. The town of New Bedford was a well-known stopping place for stage and mail coaches traveling between Mercer and Youngstown, OH.

A beautiful, rural area, New Bedford lies hundreds of feet above the water level of the Shenango River. This close-knit community is home to some 300 residents, many of whom can trace their roots of the founding families of the town. Such early entrepreneurial spirit is today reflected in the pride, patriotism, and virtues of the citizens of this outstanding town. It is a pleasure and an honor to congratulate them on the occasion of this historic celebration.

PRESIDENTIAL MEDAL OF FREEDOM TO MORRIS UDALL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. MILLER of California. Mr. Speaker, two weeks ago, President Bill Clinton awarded the Presidential Medal of Freedom to our former colleague, and my good friend, Morris Udall. I can not think of a more deserving recipient of our nation's highest civilian award.

Mo represented the 2nd District of Arizona in Congress for 30 years, coming in as a young upstart bent on dismantling the old seniority system and leaving as one of our most revered senior Members.

Mo served as Chairman of the House Interior and Insular Affairs Committee for fourteen years. He was instrumental in leading the way for the enactment of landmark legislation protecting the environment as well as the rights of American Indians and those living in the U.S. Territories.

Some of the laws which now stand as a testament to Chairman Udall are: the Alaska Lands Act, the 1984 Wilderness Act, the 1982 Nuclear Waste Management Act, the American Indian Religious Freedom Act, the Indian Child Welfare Act, the Alcohol and Substance Abuse Prevention and Treatment Act, the Native American Graves Protection and Repatriation Act of 1989, the National Trails System Improvements Act of 1988, the Wild and Scenic Rivers Act of 1968, the Federal Land Policy and Management Act of 1976, the Archaeological Resources Protection Act of 1979, the Surface Mining Control and Reclamation Act, and the Compact of Free Association with the Trust Territories of the Pacific.

Mr. Speaker, Mo Udall was so successful in getting legislation passed because he was a master at building coalitions out of diverse interests. I am inspired each time I sit in the Morris K. Udall hearing room of the Longworth House Office Building where Mo served and presided for three decades. Mo's portrait looking down at us from its perch over the fireplace reminds me of the fairness, humor, and dignity with which he ran the committee. The issues before the Interior (now Resources) Committee have always been contentious. But Mo Udall was able to bring us all together to make the important decisions on how best to protect our precious natural resources for future generations.

In 1976 Mo ran for President of the United States. Many say his incredible wit and unabashed kindness got in his way. He simply would not attack his opponents. After coming in a close second in numerous primary battles, Mo stepped back and refocused on the environment. He also put his carefully collected notes together and authored Too Funny to Be President, a compilation of some of his favorite campaign stories and political humor. I think he wrote this book so he could just hand it out each time one of us came up to him and ask him to tell a story just one more time so we could get it straight and then use it ourselves.

Mo is a World War II veteran and played professional basketball for the Denver Nuggets; he is also an attorney and private pilot. Mo lost one of his eyes in a childhood accident. His basketball prowess was so unaffected by this disability that one sport reporter claimed the false eye to be a myth.

Mo's stories are legendary. He made us laugh, he made us think, and he made this Nation a better place for our children and our children's children. As we get caught up in this contentiousness and tumult of this Congress, we should ponder one of Mo Udall's most oft repeated lines: ''Oh Lord, may you help me today to utter words which are soft and tender—for tomorrow I may have to eat them.''

Mr. Speaker, today our friend Mo Udall remains in a nursing home not far from here. Parkinson's Disease has rendered this excellent communicator unable to regale us with his wisdom and his wit. Yet his good deeds here will be long remembered, just as they so appropriately earned him the Medal of Freedom.

Congratulations, Mo, on receiving the Presidential Medal of Freedom.

DEFENSE BREAKS COMMITMENTS TO GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. UNDERWOOD. Mr. Speaker, in the past four weeks, Guam has shown once again its immense value to the projection of our national interests in the western Pacific. Guam is the base that launched the B–52s against Iraq. Guam is now the temporary home for over 2100 Kurdish refugees who were evacuated from Iraq. And Guam may be called on again in the coming days to do even more to help with the Kurdish refugees.

Guam is the reliable partner for United States interests in Asia, indeed the world. But recent actions of the Department of Defense threaten to undermine this partnership, and to determine the good will between the people of Guam and the military.

Today DoD sent a letter to the Chairman of the House Committee on Resources objecting to certain provisions of my bill to return excess federal land to the people of Guam. The basis of the DoD objections cause us to wonder if any progress has been made in Guam's efforts to return excess lands over the past twenty five years.

In 1993 and again in 1994, I hosted two Guam Land Conferences that DoD participated in. The first land conference, held on Guam, allowed our people to make a direct plea for land no longer needed by DoD. The second conference built on the initial good will as we discussed actions to be taken to return land.

It used to be our common ground to agree that DoD should in fact give up land it no longer needs. In preparing for the Guam Land Conferences, DoD prepared a comprehensive study detailing its needs for the future—a study drafted by operational commanders in the Pacific and on Guam. Now we learn today that past assurances by a whole array of military officials over the past twenty five years are no longer valid. Now we learn that DoD does not know what its land needs are, and in fact, would rater not return land to the people of Guam, preferring instead to give its excess holdings to the Fish and Wildlife Service.

It is impossible for Guam to make a case for excess lands if we do not know what DoD's needs are. It is troubling if DoD does not know itself what it needs are. But it is even more ridiculous, if just for the sake of the Fish and Wildlife's interests, DoD would now repudiate its own report issued just seventeen months ago by the operational commands where releasable lands were listed in great detail acre by acre.

We are told today that DoD prefers to give land to the Fish and Wildlife Service just so that it may take these lands back at some indeterminate point in the future for some unknown contingency.

Yet, I would point out that all the operational commanders who gave their input to the 1994 Guam Land Use Plan did in fact consider all their needs for any credible contingency. It is now amazing to me that the Department of Defense has surrendered its military planning functions to the U.S. Fish and Wildlife Service.

I want to enter into the record the three taskings that the Guam Land Use Plan addressed:

(1) Review the requirements for military land holdings based on foreseeable mission taskings and force levels;

(2) Develop a comprehensive plan for all DoD land requirements on Guam which considers combined service use of property where feasible; and

(3) Identify opportunities for functional consolidations and joint use arrangements, and address environmental considerations that affect land use.

Nowhere in the Guam Land Use Plan is there any mention of giving excess lands to the Fish and Wildlife Service for some unknown contingency. But now that Congress is considering legislation to give the people of Guam the first right of refusal for any excess Federal land, DoD suddenly remembers that this is what they want to do with excess lands.

This is wrong. This is unfair to the people of Guam who have been the most accommodating community for the needs of our national security.

We cannot make progress on land issues on Guam unless we deal with the issues in a forthright and open manner. We cannot accept double dealing and broken promises. We cannot let a special interest, the environmentalists, and their narrow agenda define and not influence the entire relationship between the people of Guam and the military bases.

That is what happened today in the DoD letter to Congress. I hope that those who are serious about solving land issues to ensure the future good will of the people of Guam to the military presence on our island will work with us to undo the damage done by this DoD action. After this latest crisis with Iraq passes, Guam will be called upon again to serve the national security interest. If we want to have a reliable partner in Guam, we have to work to return unneeded land to the people of Guam.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, September 24, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, the Department of Defense provides the following views on H.R. 3501, the ''Guam Land Return Act.''

The Department of Defense opposes enactment of Section 2 of H.R. 3501. Section 2 would give the Government of Guam a priority over Federal agencies with respect to the acquisition of Federal real property declared by one agency to be excess to that agency's needs. Specifically, Section 2 would amend the Organic Act of Guam to require the Administrator of GSA to transfer to the Government of Guam, at no cost, all Federal real property on Guam declared excess by any Federal agency, notwithstanding the possibility that another Federal agency may have a demonstrable need for that property. In this way, the proposed bill would, in effect, trump the existing GSA property disposal process.

Our principal objection to Section 2 is that it represents a piecemeal approach to the resolution of issues currently being discussed with the Guamanians in the context of a draft Guam Commonwealth Act. The Guamanians, through Mr. John Garamendi, Deputy Secretary of the Interior and the Administration's Special Representative for the Guam Commonwealth negotiations, have proposed a draft Guam Commonwealth Act for consideration by interested Federal agencies. (An earlier version of this draft was introduced in the 104th Congress as H.R. 1056, the ''Guam Commonwealth Act''; the draft under consideration in these negotiations has evolved significantly from that which remains before Congress.) The Department of Defense has been actively engaged in discussions and is working with all concerned parties to develop a mutually satisfactory position on all issues presented in the draft Guam Commonwealth Act, including those concurrently presented by Section 2 of this bill. Because the disposition of excess Federal lands on Guam is being addressed in the context of negotiations on the draft Guam Commonwealth Act, and because resolution of this issue is closely linked to other land issues presented by the Guam Commonwealth Act, the Department of Defense believes Congressional action on Section 2 of H.R. 3501 is not appropriate at this time. We recommend instead that this issue be considered only in the context of the more comprehensive Guam Commonwealth discussions. The Department of Defense is committed to making every reasonable effort to reach a mutually satisfactory resolution of all the issues presented by the draft Guam Commonwealth Act, and to that end will continue to participate cooperatively in interagency discussions of that draft Act.

In the event Congress elects to consider H.R. 3501 outside of the Guam Commonwealth discussions, the Department of Defense has several more specific concerns with enactment of Section 2 as currently drafted.

The Department of Defense currently relies on the flexibility inherent in the GSA land disposal process to ensure the viability of current and future missions. The existing process allows the Department of Defense to transfer lands not presently being actively

managed for core needs (e.g., certain safety and buffer zones) to another Federal agency to further that agency's mission, yet retain the ability both to protect continuing operations on retained lands and, under certain limited circumstances, obtain access to the transferred lands to meet national defense contingencies. This flexibility is critically important to the Department of Defense and the nation. While the Department is quite willing to discuss with Guam alternative ways of providing this needed flexibility, the Department believes these discussions would more profitably take place in the context of the overall Guam Commonwealth proposal.

In addition, Section 2 is unclear with respect to its effect on existing Federal environmental laws. As currently drafted, it is difficult to reconcile the requirement of Section 2 for the immediate transfer to Guam of all excess federal lands with the requirement of Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) that all necessary environmental cleanup actions be in place and operating successfully before property may be transferred from Federal ownership. In order to meet the requirements of Section 120(h)(3) of CERCLA, the Government of Guam must be prepared to wait until all necessary cleanup actions have been taken (which may—depending on the complexity of the situation, the risk presented, and the availability of resources—take several years).

In summary, the Department of Defense opposes enactment of Section 2 of H.R. 3501 as currently drafted. While we prefer resolving this issue in the context of the Guam commonwealth discussions, if Congress elects to consider H.R. 3501 at this time, we request that it consider the attached redrafting of that bill. I am forwarding a letter expressing similar views on S. 1804 (which contains language identical to Section 2 of H.R. 3501) to Senator Murkowski, Chairman of the Senate Energy and National Resources Committee and Senator McCain, Chairman of the Senate Armed Services Committee, Readiness Subcommittee.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of these views for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

Enclosure.

GUAM LAND USE PLAN UPDATE

The island of Guam is strategically located at the boundary between the Pacific Ocean and Philippine Sea, and has been an integral part of the U.S. military's base support complex since World War II. Guam is a major logistic, communication, surveillance, and weather center in the Western Pacific, and is becoming more important as a training area for units assigned to the island, as well as transient units.

The intent of the Guam Land Use Plan Update (GLUP 94) is to:

Review the requirements for military land holdings based on foreseeable mission taskings and force levels.

Develop a comprehensive plan for all DOD land requirements on Guam which considers combined service use of property where feasible.

Identify opportunities for functional consolidations and joint use arrangements, and address environmental considerations that affect land use.

The study area for GLUP 94 includes all land currently owned by the Department of Defense (DOD) on Guam. This amounts to a total of approximately 44,800 acres of land. Of this, about 24,500 acres are owned by the Navy and 20,300 acres are owned by the Air Force. The total DOD land holdings constitute approximately 33 percent of the total land area of Guam.

Projected base loading requirements provided the major focus for GLUP 94. The Air Force's current personnel loading is 2,500 persons (PN). No personnel loading changes are anticipated in the near- or long-term, although there is a need to maintain an adequate footprint on Guam to accommodate the Air Force's contingency plan for the Pacific Region. The Navy's current authorized personnel loading is 7,700 PN. Reductions in the near-term are expected to occur due to the closure of Naval Air Station (NAS) Agana and the transfer of supply ship operations from military control to the Military Sealift Command (MSC). These actions would result in an estimated loading of 5,600 PN. Based on the recent decision to temporarily relocate the VQ–1 and VQ–5 squadrons to CONUS, this figure will decrease to approximately 4,600 PN. Neither the Air Force nor the Navy have long-term land requirements to accommodate a potential rollback scenario.

[Note: During the final stages of the preparation of this report, potential changes to baseloading on Guam were announced as part of the Base Realignment and Closure (BRAC) process for 1995. These proposed changes were not incorporated in this report since the final decisions for BRAC 95 will not be final until Fall of this year.]

DOD land requirements were addressed through analyses of various functional areas. This effort was guided by an overall land use concept which recommended the consolidation of military activities in the northern and southern sectors of the island. Such a concept would create more efficient operations and lower operational costs. The result of the functional analyses was the identification of lands which are currently developed and required for military use, in addition to undeveloped areas that are impacted by DOD missions (i.e., training areas, explosive safety zones, electromagnetic interference/hazard zones, and aircraft safety zones). The process also identified areas not required for DOD mission requirements.

An overview of land release recommendations is presented in Figure ES–1. Recommendations of this study propose the release or potential release of an estimated 8,207 acres. This includes 3,670 acres of land owned by the Air Force, and 4,537 acres owned by the Navy. When combined with 3,200 acres previously identified as excess, the DOD footprint on Guam is projected to decrease by about one fourth.

Several major steps must be completed prior to final disposal of the property. First, plant account holding activities need to submit reports of excess, environmental certification forms and McKinney Act checklists to the Pacific Division, Naval Facilities Engineering Command (PACNAVFACENGCOM) via their chain of command to the major claimant level. Environmental baseline surveys may be prepared to complete the environmental certification forms. The next step is to request Washington, D.C. approvals for disposal actions. Then, legal property descriptions and easement boundaries must be established. The above tasks may require one and two years to complete, respectively. The initial environmental baseline surveys will cost approximately $520,000, and could be higher if follow-up studies are required. The cost of preparing property descriptions will be approximately $300,000.

Following the environmental baseline surveys, environmental mitigation studies (including clean-up analyses, cultural resource surveys, etc.) would be conducted in order to determine necessary environmental mitigation actions and timeframe for completion. It should be noted that property disposal actions for contaminated areas must be deferred until environmental mitigation studies and clean up actions are completed. For example, any military land listed on the National Priority List (NPL), which includes all land owned by the Air Force on Guam, must be first certified clean by the Administrator of the U.S. Environmental Protection Agency (EPA).

TRIBUTE TO JOHN LOCKHART, LEGISLATIVE ADVOCATE FOR THE SAN DIEGO COUNTY OFFICE OF EDUCATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. FILNER. Mr. Speaker, I rise today to commemorate the retirement of John Lockhart, who later this month will complete a distinguished career in education spanning nearly 30 years, including the last 20 as the legislative advocate for the San Diego County Office of Education.

As legislative advocate, John Lockhart has been charged with a multitude of difficult tasks: following education legislation both in the California Legislature and in Congress; working closely with local, State, and Federal officials in San Diego County; coordinating with superintendents, trustees, and staff of the San Diego County School District; and organizing an endless number of programs, briefings, and workshops.

For all of these responsibilities, John Lockhart has had one goal: to improve the education of elementary school students in San Diego with leadership and service. As a former member of the San Diego School Board, I can attest to the fact that John Lockhart has achieved this goal year after year. The entire San Diego County educational community will remember John for his efforts to improve the educational quality of our schools.

John began his career in 1957 as a science education researcher for the National Science Foundation. He next served as executive assistant to the chief lobbyist at the National Education Association.

Beginning in 1966 he was an educational systems specialist at Litton Educational Publishing in Washington, DC. He later served as vice president of the Taber Management Co. in Washington, DC, where he helped education clients with membership, funding, and program promotion, and was involved in the marketing of multimedia materials in applied behavioral sciences.

John has also worked for the Washington State Department of Public Instruction and the Colorado Education Association.

Since his arrival to San Diego in 1977, John has become a highly respected member of the Association of California School Administrators. His contributions as legislative advocate for education in San Diego County will forever be remembered and appreciated. I ask all residents of San Diego County to join me in saying ''well done'' to a true leader and advocate for education.

40TH ORDINATION ANNIVERSARY OF FATHER STANLEY CZARNOTA

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. CHRYSLER. Mr. Speaker, I rise today to commend Father Stanley Czarnota.

Father Stanley Czarnota was born in Wolka, Poland, in January of 1933 in a small village located along the largest river in Poland. He is the youngest child of Frank and Helen, and he has two sisters, Mary and Jessica.

Father Czarnota graduated from high school in 1951 and then attended Catholic Lubin University. In 1956, he received his degree in theology and was ordained a priest on December 22, 1956. He worked in Poland as an assistant pastor and then pastor at Borowicz, located near the Russian border.

Relatives from both Fr. Czarnota's mother's and father's family reside in the United States. His father spent 10 years in Michigan before returning to Poland. In 1976, Father Czarnota's family came to America and fell in love with this country. After receiving permission from his bishop in Poland, Father Czarnota applied for permanent residence in the United States. He was accepted in the Lansing dioceses and began working in this area. On August 6, 1981, he became a citizen of the United States of America. He described the event as ''an unforgettable day, a very special day in my life, a day I will never forget and will always treasure.''

Father Czarnota has always stated that he had the marvelous opportunity to repay this country for adopting him by accepting a commission in the U.S. Navy on May 15, 1988. On September 29, 1996, Father Czarnota will celebrate his 40th ordination anniversary as a priest.

A former commanding officer in the Navy stated, ''Father Stanley no matter where he works has left a very important message with many people. No matter what task, and there are many in various areas, his work with the youth or older community have left a healthy and lasting impression of encouragement and always going out of his way to improve or be helpful with the individuals when needed.''

Father Stanley Czarnota is well known in Flint, Ann Arbor, Detroit and Lansing for his work with the refugees from Poland. His work has been fulfilled when he saw newcomers pursue their dreams in America and succeed in many fields of work, not only for themselves, but also for their families.

His motto is quite simple: ''Don't worry, be happy.''

THE MANAGED CARE ORIENTATION AND MEDICAL PROFILE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1996

Mr. STARK. Mr. Speaker, I am pleased to introduce ''The Managed Care Orientation and Medical Profile Act.''

For the past decade, the Medicare and Medicaid programs have been joining the national movement to managed care. Medicare enrollment in capitated Health Maintenance Organizations (HMOs) jumped from 441,000 members in 1985 to almost 3.5 million beneficiaries as of March 1996. Medicaid enrollment in managed care has been more dramatic as States have received Federal waivers to enroll almost all of their Medicaid recipients in HMOs.

The growth in managed care is largely due to the aggressive marketing practices of managed care plans. HMOs place financial incentives on door-to-door agents to enroll as many new members as the plans can handle. Medicaid HMOs even stake out food stamp offices targeting would-be enrollees with free gifts and high pressure tactics.

Unfortunately, these practices put some of our most vulnerable populations at severe risk. Consumer advocates have reported that Medicare and Medicaid beneficiaries are often enrolled without understanding what they are signing. Some unscrupulous health plans even prey on non-English speakers or the mentally handicapped. As a result, many new enrollees are left clueless as to how their health plan works or how to access care while the HMOs begin receiving payments from the government for care they are not providing.

Once an individual is enrolled, Medicare sends the HMO somewhere between $300 and $700 per month (depending on the region of the nation) to maintain the health of that person and to treat them when they are sick. In many cases—perhaps most cases—Medicare can spend thousands and thousands of dollars on behalf of an enrollee before that person ever visits the HMO. In the meantime, the health of the enrollee can actually be deteriorating and more serious problems can be developing.

The legislation I propose today address this problem by making HMOs more accountable for the lives they enroll. In order to enroll new patients, HMOs would have to fulfill the following requirements before payment begins:

First, conduct an orientation meeting with the new enrollees introducing them to managed care and clarifying where to access care, which benefits are covered, and all payment structures including deductibles and copayments.

Second, conduct a preventive screening as defined by the Secretary and an immunization assessment for children.

Managed care claims to be effective because it works with the patient to ''manage'' health and prevent illness. When the government is paying the bill, we ought to demand that plans live up to this promise by mandating the orientation and medical profile before their payment begins. In the medical profiling encounter, the HMO can begin to work with the enrollee on issues such as diabetes, lack of immunization, obesity, smoking, alcoholism, pre-cancerous skin conditions, high blood pressure—the whole range of potential health problems that a good HMO should know about their enrollees and be working to improve.

The August 1996 issue of New York's United Hospital Fund newsletter ''PolicyLine'' shows why the idea of requiring a meeting and work-up before we start paying HMOs makes a great deal of sense:

> Even if specifically required to assume certain public health responsibilities, however, managed care plans may not yet have the experience or systems to fulfill their responsibilities, as experienced in Wisconsin demonstrates. Five years into its managed care initiative, Milwaukee experienced a measles epidemic. According to Paul Nannis, Milwaukee Commissioner of Health, the city had 1,100 cases of measles in 1990, mostly among disadvantaged preschool-aged children. Eighty-three percent of these children were in HMOs; three of them died. Subsequent analysis revealed that of all the preschoolers enrolled in the HMOs, two-thirds were not appropriately immunized. In the wake of this crisis, the department of health provided 20,000 shots in a ten-week period, 55 percent of them to children enrolled in HMOs.
>
> In analyzing the events that led to the crisis, Mr. Nannis said that the independent practice associations that were operating as managed care organizations had not fundamentally altered the way they delivered primary care services. Simply renaming the existing system managed care and changing the reimbursement process for physicians who continue to practice medicine the same way they always have done does not magically manage anybody's care, said Mr. Nannis.

While the Milwaukee example refers to a Medicaid managed care type program, I believe its lessons apply more broadly. As the article continues, Mr. Nannis is quoted as saying

> * * * public health agencies [read: HCFA] and HMOs need to be at the same table before initiatives start. Managed care plans should be expected to provide uniform data on enrollees including prevalence and cause of mortality, morbidity, and disability; timing and frequency of immunizations; and effectiveness of interventions.

HMOs and managed care can be a wonderful thing for the health of the American people—but only if people know how to use their HMO and only if their HMO works with them to prevent the minor problems of today from becoming the medical catastrophes of tomorrow.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 26, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine renewable fuels and the future security of United States energy supplies.
SR–332

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings to examine the Federal Emergency Management Agency response to Hurricane Fran.
SD–406

Indian Affairs
To hold oversight hearings on the regulatory activities of the National Indian Gaming Commission.
SH–216

10:00 a.m.
Judiciary
Immigration Subcommittee
To hold oversight hearings on activities of the Immigration and Naturalization Service.
SD–226

CANCELLATIONS

SEPTEMBER 26

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the status of air service to small communities.
SR–253

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Daily Digest

HIGHLIGHTS

Senate agreed to VA/HUD Appropriations Conference Report.
Senate agreed to International Natural Rubber Agreement.
House agreed to Intelligence Authorization Conference Report.
House agreed to Immigration in the National Interest Conference Report.
House passed amendment to Immigration and Nationality Act.
House passed 9 measures under suspension of the rules.

Senate

Chamber Action

Routine Proceedings, pages S11211–S11333

Measures Introduced: Fifteen bills were introduced, as follows: S. 2117–2131. **Page S11294**

Measures Reported: Reports were made as follows:

H.R. 3815, to make technical corrections and miscellaneous amendments to trade laws, with an amendment in the nature of a substitute.

H.R. 3846, to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance for microenterprises.

H.R. 3916, to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

H.J. Res. 158, to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers, with amendments.

S. Res. 285, expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia, with an amendment in the nature of a substitute.

S. 2130, to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices. **Page S11291**

Measures Passed:

Animal Drug Availability Act: Senate passed H.R. 2508, to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, clearing the measure for the President. **Page S11326**

National Mammography Day: Committee on the Judiciary was discharged from further consideration of S. Res. 295, to designate October 18, 1996, as ''National Mammography Day'', and the resolution was then agreed to. **Page S11326**

Extradition of Martin Pang: Senate passed H. Con. Res. 132, relating to the trial of Martin Pang for arson and felony murder. **Pages S11328–29**

Railroad Unemployment Insurance Amendments: Senate passed H.R. 2594, to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, clearing the measure for the President. **Page S11329**

Medicare/Medicaid Coverage Data Bank: Committee on Finance was discharged from further consideration of H.R. 2685, to repeal the Medicare and Medicaid Coverage Data Bank, and the bill was then passed, clearing the measure for the President. **Page S11329**

Medical Device Reporting Requirement: Committee on Finance was discharged from further consideration of H.R. 2366, to repeal an unnecessary medical device reporting requirement, and the bill was then passed, clearing the measure for the President. **Page S11329**

County Health Organization Exemption Act: Committee on Finance was discharged from further consideration of H.R. 3056, to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations

under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county, and the bill was then passed, clearing the measure for the President. **Page S11329**

Medicaid Enrollment: Committee on Finance was discharged from further consideration of H.R. 3871, to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations, and the bill was then passed, clearing the measure for the President.

National Physical Fitness and Sports Foundation Establishment Act: Senate passed S. 1311, to establish a National Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, after agreeing to the following amendment proposed thereto: **Pages S11329–31**

Grassley (for Pressler) Amendment No. 5403, to make technical corrections. **Pages S11329–30**

VA/HUD Appropriations Conference Report: Pursuant to the order of Tuesday, September 24, 1996, Senate agreed to the conference report on H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, clearing the measure for the President. **Pages S11218–25**

Intelligence Authorizations—Conference Report: Senate agreed to the conference report on H.R. 3259, to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, clearing the measure for the President. **Pages S11321–26**

Treaty Approved: The following treaty having passed through its various parliamentary stages up to and including presentation of resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification was agreed to:

Treaty Doc. No. 104–27, International Natural Rubber Agreement, 1995, with a declaration. **Pages S11248–57**

Executive Reports of Committees: The Senate received the following executive reports of a committee:

Report to accompany the Income Tax Convention with Kazakhstan (Treaty Doc. 103–33) (Exec. Rept. No. 104–34);

Report to accompany the Protocol Amending Article VIII of the 1948 Tax Convention with Respect to the Netherlands Antilles (Treaty Doc. 104–23) (Exec. Rept. No. 104–35); and

Report to accompany the Taxation Protocol Amending Convention with Indonesia (Treaty Doc. 104–32) (Exec. Rept. No. 104–36). **Pages S11291–92**

Nominations Confirmed: Senate confirmed the following nominations:

17 Air Force nominations in the rank of general.

51 Army nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, and Navy. **Pages S11331–33**

Nominations Received: Senate received the following nomination:

Kelly D. Johnston, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 2001. **Page S11333**

Messages From the House: **Pages S11289–90**

Measures Referred: **Page S11290**

Measures Read First Time: **Page S11290**

Communications: **Pages S11290–91**

Executive Reports of Committees: **Pages S11291–94**

Statements on Introduced Bills: **Pages S11294–S11313**

Additional Cosponsors: **Pages S11313–14**

Amendments Submitted: **Page S11314**

Authority for Committees: **Pages S11314–15**

Additional Statements: **Pages S11315–20**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:33 p.m., until 9 a.m., on Thursday, September 26, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S11332–33.)

Committee Meetings

(Committees not listed did not meet)

EXPORT PROMOTION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Finance concluded hearings to review the Fourth Annual Report of the Trade Promotion Coordinating Committee, created by the Export Enhancement Act of 1992 to provide for a unified federal export promotion strategy, focusing on foreign trade practices by United States competitors, after receiving testimony from Stuart E. Eizenstat, Under Secretary of Commerce for International Trade.

MARS DISCOVERY

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology and Space concluded hearings to examine the recent discovery of evidence of past life on Mars, after receiving testimony from Ernest J. Moniz, Associate Director for Science, Office of Science and Technology Policy; Wes Huntress, Administrative Assistant, Space Science Program, and David S. McKay, Assistant for Exploration, Earth Science and Solar System Exploration Division, Johnson Space Center (Houston, Texas), both of the National Aeronautics and Space Administration; Nancy Hinman, University of Montana, Missoula; Harry Y. McSween, University of Tennessee, Knoxville; and John Kerridge, University of California at San Diego, La Jolla.

AVIATION SAFETY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine aviation safety issues, focusing on the treatment of families following airline accidents, after receiving testimony from Victoria Cummock, Coral Gables, Florida, on behalf of the Families of Pan Am 103 Lockerbie; Richard Kessler, Atlanta, Georgia, on behalf of the victims of ValuJet Flight 592; Dario Cremades, New York, New York, and A. Frank Carven III, Bel Air, Maryland, both on behalf of victims of TWA Flight 800; Hans Ephraimson-Abt, New York, New York, on behalf of the American Association of Families of Korean Airlines Flight 007 Victims; and Kendra St. Charles, Akron, Ohio, on behalf of the victims of USAir Flight 405.

NORTH CAROLINA LAND CLAIM

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 987, to provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, after receiving testimony from Senators Helms and Faircloth; Representative Charles Taylor; Denis Galvin, Associate Director for Planning and Development, National Park Service, Department of the Interior; Linda Hogue, North Shore Road Association, and Bill Lewis, Swain County Commission, both of Bryson City, North Carolina; Helen Vance, North Shore Cemetery Association, Sylva, North Carolina; Joyce C. Dugan, Eastern Band of Cherokee Indians, Cherokee, North Carolina; Peter Kirby, Wilderness Society, Atlanta, Georgia; Ted Snyder, Sierra Club, Walhalla, South Carolina; John Thornton, National Parks and Conservation Association, Washington, D.C.; and John George, Angwin, California.

TRADE LAW AMENDMENTS

Committee on Finance: Committee ordered favorably reported H.R. 3815, to make technical corrections and miscellaneous amendments to trade laws, with an amendment in the nature of a substitute.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

The nominations of Richard W. Bogosian, of Maryland, for the rank of Ambassador during his tenure of service as Special Coordinator for Rwanda/Burundi, Dennis K. Hays, of Florida, to be Ambassador to the Republic of Suriname, Genta Hawkins Holmes, of California, to be Ambassador to Australia, Arma Jane Karaer, of Virginia, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to Solomon Islands, and as Ambassador to the Republic of Vanuatu, John Francis Maisto, of Pennsylvania, to be Ambassador to the Republic of Venezuela, Anne W. Patterson, of Virginia, to be Ambassador to the Republic of El Salvador, John Stern Wolf, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation, Marilyn McAfee, of Florida, a Career Member of the Senior Foreign Service of the U.S. Information Agency, for promotion to the Class of Career Minister, Madeleine Korbel Albright, of the District of Columbia, and Edward William Gnehm Jr., of Georgia, each to be a United States Representative to the Fifty-first Session of the General Assembly of the United Nations, Karl Frederick Inderfurth, of North Carolina, and Victor Marrero, of New York, each to be an Alternate United States Representative to the Fifty-first Session of the General Assembly of the United Nations, and certain Foreign Service officer promotion lists.

Convention Between the Government of the United States and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with the Protocol and the two related exchanges of notes, signed at Almaty on October 24, 1993 (Treaty Doc. No. 103–33), with a proviso;

An exchange of notes dated at Washington July 10, 1995, relating to the Tax Convention with the Republic of Kazakhstan—Treaty Doc. No. 103–33 (Treaty Doc. No. 104–15), with a proviso;

The Protocol between the Government of the United States and the Government of the Kingdom of the Netherlands in Respect of the Netherlands Antilles Amending Article VIII of the 1948 Convention with Respect to Taxes on Income and Certain

Other Taxes as Applicable to the Netherlands Antilles, signed at Washington on October 10, 1995 (Treaty Doc. No. 104–23);

Protocol, signed at Jakarta July 24, 1996, Amending the Convention Between the Government of the United States and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with Related Protocol and Exchange of Notes Signed at Jakarta on the 11th Day of July 1988 (Treaty Doc. No. 104–32);

An original bill (S. 2130) to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices;

S. Res. 285, expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia, with an amendment in the nature of a substitute;

H.R. 3916, to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings;

H.J. Res. 158, to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers, with amendments; and

H.R. 3846, to provide grant assistance to increase the availability of credit to micro and small enterprises lacking full access to credit.

Also, testimony was received on the aforementioned treaties from Kenneth J. Kies, Chief of Staff, Joint Committee on Taxation.

LEBANON

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine the prospects for peace, security, and economic development in Lebanon, after receiving testimony from Senators Graham and Abraham; former Senator Percy; Elizabeth McKune, Director, Office of Jordan, Lebanon, Syria, and Palestinian Affairs, Department of State; Brian Henderson, Merrill Lynch International, and Terry Anderson, Columbia University, both of New York, New York; Peter J. Tanous, American Task Force for Lebanon, Washington, D.C.; and John Kelly, International Equity Partners, Conyers, Georgia.

REGULATORY REFORM

Committee on Governmental Affairs: Subcommittee on Financial Management and Accountability held oversight hearings to review the activities of the Office of Information and Regulatory Affairs and its implementation of Executive Order No. 12866, Regulatory Planning and Review, focusing on the need to improve the Federal regulatory system, receiving testimony from Sally Katzen, Administrator, Office of Information and Regulatory Affairs; L. Nye Stevens, Director, Federal Management and Workforce Issues, General Government Division, General Accounting Office; Robert L. King, New York State Office of Regulatory Reform, Albany; James C. Miller III, Citizens for a Sound Economy, C. Boyden Gray, Wilmer, Cutler & Pickering, Robert W. Hahn, American Enterprise Institute, and Paul R. Portney, Resources for the Future, all of Washington, D.C.; and Scott L. Holman, Bay Cast Inc., Bay City, Michigan, on behalf of the United States Chamber of Commerce.

Hearings were recessed subject to call.

WHITE HOUSE INFORMATION ACCESS

Committee on the Judiciary: Committee resumed hearings to examine the dissemination of Federal Bureau of Investigation background investigation reports and other information to the White House, receiving testimony from Howard M. Shapiro, General Counsel, Federal Bureau of Investigation, Department of Justice; and D. Craig Livingstone, former Director, White House Office of Personnel Security.

Hearings were recessed subject to call.

PRISON LITIGATION REFORM ACT

Committee on the Judiciary: Committee concluded hearings to examine the role of the Department of Justice in implementing the Prison Litigation Reform Act, as contained in P.L. 104–134 (Omnibus Consolidated Rescissions and Appropriations Act of 1996), after receiving testimony from John R. Schmidt, Associate Attorney General, Department of Justice; Michigan Governor John Engler, Lansing; Sarah Vandenbraak, Pennsylvania Department of Corrections, Harrisburg; Laura Chamberlain, Assistant Corporation Counsel of the City of New York, New York; Mark Soler, Youth Law Center, Washington, D.C.; and Walter Dickey, University of Wisconsin Law School, Madison.

INTELLIGENCE RELATED TO GULF WAR ILLNESSES

Committee on Veterans Affairs/Select Committee on Intelligence: Committees concluded joint hearings to examine an intelligence analysis with regard to the possible exposure of United States troops to chemical or biological agents during the Persian Gulf War, after receiving testimony from John E. McLaughlin, Vice Chairman for Estimates, National Intelligence Council; Sylvia Copeland, Chief, CIA Persian Gulf Illnesses Task Force; Stephen C. Joseph, Assistant Secretary of Defense for Health Affairs; and Kenneth

W. Kizer, Under Secretary of Veterans Affairs for Health.

NAVAJO-HOPI LAND SETTLEMENT ACT

Committee on Indian Affairs: Committee held hearings on S. 2111, to make certain amendments to the Navajo-Hopi Land Settlement Act of 1974 and to provide for the phase out of the Navajo and Hopi Relocation Program within five years, receiving testimony from Christopher J. Bavasi, Executive Director, Office of Navajo and Hopi Indian Relocation; Ferrell H. Secakuku, Hopi Tribe, Kykotsmovi, Arizona; Herb Yazzie, Navajo Nation, Window Rock, Arizona; Nathan David and LaVonne Tsosie, both of the Nahat'a' Dziil Chapter, Sanders, Arizona; and Bonnie Whitesinger, Sovereign Dineh Nation, Flagstaff, Arizona.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 28 public bills, H.R. 4164–4191;1 private bills, H.R. 4192; and 5 resolutions, H. Con. Res. 218–220, and H. Res. 535, 537 were introduced. **Pages H11228–30**

Reports Filed: Reports were filed as follows:

H.R. 3142, to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries, amended (H. Rept. 104–837 Part I);

H.R. 3973, to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, amended (H. Rept. 104–838);

H.R. 2579, to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States, amended (H. Rept. 104–839 Part I);

H.R. 2561, to provide for an exchange of lands located near Gustavus, Alaska, amended (H. Rept. 104–840 Part I);

Conference report on H.R. 2977, to reauthorize alternative means of dispute resolution in the Federal administrative process (H. Rept. 104–841);

H. Res. 535, waiving points of order against the conference report to accompany H.R. 1296, to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer (H. Rept. 104–842);

Conference report on S.640, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States (H. Rept. 104–843);

H.R. 2923, to extend for 4 additional years the waiver granted to the Watts Health Foundation from the membership mix requirement for health maintenance organizations participating in the Medicare program (H. Rept. 104–844 Part I); and

H.R. 4012, to waive temporarily the Medicare enrollment composition rules for the Wellness Plan (H. Rept. 104–845 Part I).

Pages H11108–15, H11158–H11202, H11228

Intelligence Authorization: The House agreed to the conference report on H.R. 3259, to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Pages H11056–71**

H. Res. 529, the rule waiving points of order against consideration of the conference report, was agreed to earlier by a voice vote. **Pages H11054–56**

Immigration and Nationality Act: By a recorded vote of 305 ayes to 123 noes, Roll No. 432, the House agreed to the conference report on H.R. 2202, to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States. **Pages H11079–91**

Rejected the Bryant of Texas motion that sought to recommit the conference report to the committee of conference with instructions to the managers on the part of the House to take all of the following actions: Recede to and include section 105 of the Senate amendment, relating to increased personnel levels for the Labor Department. Recede to and include section 120A of the Senate amendment, relating to subpoena authority for cases of unlawful employment of aliens or document fraud. Recede to and

include section 119 of the Senate amendment, relating to enhanced civil penalties if labor standards violations are present. Disagree to and delete section 421, relating to treatment of certain documentary practices as unfair immigration-related employment practices, and insist, in its place, the provisions of section 407(b), relating to treatment of certain documentary practice as employment practices, of H.R. 2202, as passed the House. Disagree to and delete section 633, relating to authority to determine visa processing procedures. Insist that the phrase ''which may not include treatment for HIV infection or acquired immune deficiency syndrome'' be deleted each place it appears in sections 501(b)(4) and 552(d)(2)(D) and in the section 213A(c)(2)(C) of the Immigration and Nationality Act, as proposed to be inserted by section 551(a) of the conference substitute. Disagree to and delete subsection (c) of section 102, relating to waivers of certain environmental laws (rejected by a yea-and-nay vote of 179 yeas to 247 nays, Roll No. 431). **Page H11090**

H. Res. 528, the rule waiving points of order against consideration of the conference report, was agreed to earlier by a yea-and-nay vote of 254 yeas to 165 nays, Roll No. 430. **Pages H11071–79**

Immigration and Nationality Act Amendment: By a yea-and-nay vote of 254 yeas to 175 nays, Roll No. 433, the House passed H.R. 4134, to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997. **Pages H11096–H11108**

H. Res. 530, the rule providing for consideration of the bill was agreed to earlier by a voice vote. **Pages H11091–96**

Order of Business: Pursuant to H. Res. 525, the rule providing for expedited procedures for the remainder of the 2nd Session of the 104th Congress, Representative Nethercutt announced the consideration today of H.R. 4167, to provide for the safety of journeyman boxers, under suspension of the rules. **Page H11108**

Suspensions: The House voted to suspend the rules and pass the following measures:

Human Rights Restoration: H.R. 4036, amended, to strengthen the protection of internationally recognized human rights. Agreed to amend the title; **Pages H11126–29**

Telemarketing Fraud Punishment and Prevention: H.R. 1499, amended, to improve criminal law relating to fraud against consumers; **Pages H11129–30**

Child Abuse Prevention and Treatment: S.919, amended, to modify and reauthorize the Child Abuse Prevention and Treatment Act; **Pages H11140–53**

Professional Boxing Safety: H.R. 4167, to provide for the safety of journeymen boxers; **Pages H11153–58**

Leaking Underground Storage Tank Trust Fund: H.R. 3391, amended, to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act; **Pages H11202–05**

Federal Employees Emergency Leave Transfer: S. 868, amended, to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies; **Pages H11205–13**

Clarion River, Pennsylvania: H.R. 3568, to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System; **Pages H11213–14**

Wekiva River, Seminole Creek, and Rock Springs Run Scenic River Study: H.R. 3155, amended, to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the national wild and scenic rivers system; and **Pages H11214–16**

Indian Environmental Assistance Program: S. 1834, to reauthorize the Indian Environmental General Assistance Program Act of 1992. **Page H11217**

Suspensions—Votes Postponed: The House completed all debate on motions to suspend the rules and pass the following measures, on which votes were postponed until Thursday, September 26:

Comprehensive Methamphetamine Control: H.R. 3852, amended, to prevent the illegal manufacturing and use of methamphetamine; **Pages H11111–22**

Drug-Induced Rape Prevention and Punishment: H.R. 4137, to combat drug-facilitated crimes of violence, including sexual assaults; **Pages H11122–26**

Sexual Offender Tracking and Identification Act: H.R. 3456, amended, to provide for the nationwide tracking of convicted sexual predators; **Pages H11130–35**

Private Security Officer Quality Assurance: H.R. 2092, amended, to expedite State reviews of criminal records of applicants for private security officer employment; **Pages H11135–37**

False Statements Accountability: H. Res. 535, providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166, to amend title 18, United States Code, with respect to the crime of false statement in a Government matter; and **Pages H11137–39**

Snoqualmie National Forest Boundary: H.R. 3497, amended, to expand the boundary of the Snoqualmie National Forest. **Pages H11216–17**

Legislative Program: Pursuant to H. Res. 525, the rule providing for expedited procedures for the remainder of the 2nd Session of the 104th Congress, Representative Wicker announced measures for consideration under suspension of the rules for Thursday, September 26. **Page H11217**

Referral: One Senate-passed measure, S. 1875, to designate the United States Courthouse in Medford, Oregon, as the ''James A. Redden Federal Courthouse'' was referred to the Committee on Transportation and Infrastructure. **Page H11227**

Senate Messages: Messages received from the Senate appear on page H11049.

Quorum Calls—Votes: Three yea-and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H11079, H11090, H11091, and H11107–08. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 11:31 p.m.

Committee Meetings

TRADE WITH CANADA AND NAFTA PANEL DECISION

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing on dairy, poultry, and egg trade with Canada and the impact of the impending NAFTA panel decision. Testimony was heard from August Schumacher, Jr., Administrator, Foreign Agricultural Service, USDA; and Ambassador Ira Shapiro, Senior Counselor and Negotiator for Japan and Canada, Office of the U.S. Trade Representative.

OVERSIGHT—RESTRUCTURING INTERNATIONAL SATELLITE ORGANIZATIONS

Committee on Commerce: Subcommittee on Telecommunications and Finance held an oversight hearing on restructuring of international satellite organizations. Testimony was heard from Vonya B. McCann, U.S. Coordinator, International Communications and Information Policy, Department of State; Jack A. Gleason, Associate Administrator, International Affairs, National Telecommunications and Information Administration, Department of Commerce; David Turetsky, Deputy Assistant Attorney General, Antitrust, Department of Justice; Donald H. Gips, Chief, International Bureau, FCC; and public witnesses.

DRAFT REPORTS

Committee on Government Reform and Oversight: On September 24, the committee approved the following draft reports entitled: ''Investigation into the White House and Department of Justice on Security of FBI Background Investigation Files''; ''Report on Management of the Federal Government''; ''Crude Oil Underpricing: The Ineffective Response of the Minerals Management Service''; and ''The Year 2000: Computer Software Conversion: Summary of Oversight Findings and Recommendations''.

OVERSIGHT—SMITHSONIAN INSTITUTION

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information and Technology and the Committee on House Oversight held a joint oversight hearing on the Smithsonian Institution. Testimony was heard from the following officials of the Smithsonian Institution: I. Michael Heyman, Secretary; and Tom Blair, Inspector General; and Bill Gadsby, Director, Government Business Operations, GAO.

POLICY IN THE PERSIAN GULF

Committee on International Relations: Held a hearing on U.S. policy in the Persian Gulf. Testimony was heard from Robert Pelletreau, Assistant Secretary, Near Eastern Affairs, Department of State; and public witnesses.

SOUTH ASIANS LIVING STANDARDS

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action H. Con. Res. 213, concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra river basis.

SOUTH PACIFIC: FREELY ASSOCIATED STATES AND OKINAWA

Committee on International Relations: Subcommittee on Asia and the Pacific held a joint hearing with the Subcommittee on Native American and Insular Affairs of the Committee on Resources on U.S. Interests in the South Pacific: Freely Associated States and Okinawa. Testimony was heard from Aurelia E. Brazeal, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; and Allen Stayman, Director, Office of Insular Affairs, Department of the Interior.

SUBPOENAS—BROTHERS TO THE RESCUE; ISSUE OF QUEBEC SOVEREIGNTY

Committee on International Relations: Subcommittee on the Western Hemisphere approved a motion to issue subpoenas of Department of Defense and other witnesses to testify and documents regarding the shootdown of the civilian ''Brothers to the Rescue'' planes by Cuban MIGs.

The Subcommittee also held hearing on the issue of Quebec Sovereignty and its Potential Impact on the United States. Testimony was heard from Representative Campbell; and public witnesses.

SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

Committee on the Judiciary: Held a hearing on H.R. 3011, Security and Freedom Through Encryption (SAFE) Act. Testimony was heard from Representative Goodlatte; Jamie Gorelick, Deputy Attorney General, Department of Justice; and William Crowell, Deputy Director, NSA, Department of Defense.

U.S. POLICY FOR BOSNIA

Committee on National Security: Continued hearings on current and future U.S. policy for Bosnia. Testimony was heard from the following officials of the Department of Defense: John P. White, Deputy Secretary; and Gen. Joseph W. Ralston, USAF, Vice Chairman, Joint Chiefs of Staff.

The Committee also met to honor the following retiring members of the Committee: Representative Montgomery, Schroeder, Browder, Geren of Texas, and Peterson of Florida.

OVERSIGHT

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing to investigate the progress of a 1995 REGO II proposal to allow states to perform BLM's inspection and enforcement programs on federal lands. Testimony was heard from W. Hord Tipton, Assistant Director, Resource Use and Planning, Bureau of Land Management, Department of the Interior; and James W. Carter, Director, Division of Oil, Gas, and Mining, Department of Natural Resources, State of Utah.

CONFERENCE REPORT—OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 1296, Omnibus Parks and Public Lands Management Act of 1996, and against its consideration. The rule also provides that the conference report shall be considered as read. Testimony was heard from Chairman Young and Representatives Miller of California and Vento.

SMALL BUSINESS—OSHA REFORM AND RELIEF

Committee on Small Business: Held a hearing on OSHA Reform and Relief for Small Business: What Needs to be Done? Testimony was heard from Joseph Dear, Assistant Secretary, Occupational Safety and Health, Department of Labor; and public witnesses.

FDIC'S HANDLING OF SMALL BUSINESS ASSET FORECLOSURES

Committee on Small Business: Subcommittee on Government Programs held a hearing on FDIC's handling of small business asset foreclosures in Massachusetts as a result of the failure of ComFed Savings Bank in Lowell, MA. Testimony was heard from John Bovenzi, Director, Depositor and Asset Services, FDIC; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

IRAQ—RECENT ACTIVITIES

Permanent Select Committee on Intelligence: Held a hearing on Recent Activities in Iraq. Testimony was heard from John M. Deutch, Director, CIA.

Joint Meetings

FAA AUTHORIZATION

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 3539, to authorize funds for programs of the Federal Aviation Administration, Department of Transportation, but did not complete action thereon, and recessed subject to call.

INTELLIGENCE AUTHORIZATION

Conferees on Tuesday, September 24, 1996, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 3259, to authorize funds for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

PRESIDIO TRUST

Conferees on Tuesday, September 24, 1996, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 1296, to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 26, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations to hold joint hearings with the Special Committee on Aging, on increasing funding for biomedical research, 9 a.m., SH–216.

Committee on Energy and Natural Resources, Subcommittee on Oversight and Investigations, to hold hearings to examine the National Environmental Policy Act decision making process with regard to Federal Land Management Agencies and the role of the Council on Environmental Quality, 2 p.m., SD–366.

Committee on Foreign Relations, to resume hearings to review the interpretation of the ABM Treaty and U.S. ballistic missile defense, 10 a.m., SD–419.

Committee on Governmental Affairs, to hold hearings to review the annual report of the Postmaster General, 10 a.m., SD–342.

Committee on the Judiciary, to hold hearings to review the annual refugee consultation process, 2 p.m., SD–226.

Special Committee on Aging to hold joint hearings with the Committee on Appropriations, on increasing funding for biomedical research, 9 a.m., SH–216.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E1696 in today's Record.

House

Committee on Commerce, Subcommittee on Energy and Power, hearing on the status of the International Global Climate Change Negotiations, 10:30 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing on consumer access to home testing services and devices, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Oversight and Investigations, hearing on the financial status of the Corporation for National Service, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs and Criminal Justice and the Subcommittee on Early Childhood, Youth and Families of the Committee on Economic and Educational Opportunities, joint hearing on the epidemic of teenage drug use, 10:30., 2154 Rayburn.

Subcommittee on the Postal Service, to continue hearings on H.R. 3717, Postal Reform Act of 1996, 2 p.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on the Administration's Performance in Africa, 2:30 p.m., 2172 Rayburn.

Subcommittee on Asian and the Pacific, executive, hearing on U.S. Interests in the South Pacific: Freely Associated States and Okinawa, Part II: The Okinawa Basing Issues, 2:30 p.m., 2200 Rayburn.

Committee on National Security, hearing on U.S. policy towards Iraq, 9:30 a.m., 2118 Rayburn.

Committee on Resources, Task Force on Indian Trust Fund Management, oversight hearing on the mismanagement of Indian Trust Fund accounts by the Department of the Interior, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power Resources, hearing on H.R. 2777, Oroville-Tonasket Claim Settlement and Conveyance Act, 3 p.m., 1334 Longworth.

Committee on Standards of Official Conduct, executive, to consider pending business, 2 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to continue hearings on ISEA Reauthorization: The Efficient Delivery of Transportation Improvements and the Congestion Mitigation and Air Quality Program, 9:30 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9 a.m., Thursday, September 26

Senate Chamber

Program for Thursday: Senate will consider the veto message on H.R. 1833, to ban partial-birth abortions. Senate may also consider the conference report on H.R. 2202, Immigration Reform, conference report on H.R. 1296, Presidio Properties, S. 1897, NIH Authorizations, and may resume consideration of S. 1505, Accountable Pipeline Safety and Partnership Act.

Also, Senate may begin consideration of S.J. Res. 63, Continuing Appropriations Resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 26

House Chamber

Program for Thursday: Consideration of the conference report on H.R. 1296, Omnibus Parks and Public Land Management Act of 1996 (rule waiving points of order);

Consideration of 22 Suspensions:

1. H. Con. Res. 180, Commending Americans in Cold War;
2. H.R. 3874, Civil Rights Commission;
3. H.R. 2977, Alternative Dispute Resolution Conference Report;
4. H. Con. Res. 145, Removal of Russian Troops from Moldova;
5. H. Con. Res. 189, U.S. Membership in Regional South Pacific Organizations;
6. H. Con. Res. 51, Removal of Russian Troops from Kaliningrad;
7. H.R. 2579, Establishment of National Tourism Board;
8. H.R. 3841, Civil Service Reform Act;
9. H.R. 3973, Alaska Natives;
10. H.R. 3752, American Land Sovereignty Protection;
11. H.R. 3068, Prairie Island;
12. H.R. 2505, Alaska Native Claim Settlement;
13. H.R. 4168, Dealing with the Sale of Helium;
14. H.R. 2660, Tensas River National Wildlife;
15. S. 1802, Wyoming Fish Conveyance;
16. H.R. 3804, Agua Caliente;
17. H.R. 4011, Congressional Pension Forfeiture;
18. S. 1970, National Museum of the American Indian;
19. H.R. 3700, Internet Election Information;
20. S. 640, Water Resources Development Conference Report;
21. H.R. 3159, National Transportation Safety Board Amendments; and
22. H.R. 4138, Hydrogen Research and Development; and

Votes on 6 Suspensions debated on Wednesday, September 25:

1. H.R. 3852, Methamphetamine Control;
2. H.R. 4137, Drug-Induced Rape Prevention;
3. H.R. 3456, Sexual Offender Tracking and Identification;
4. H.R. 2092, Private Security Officer Quality Assurance;
5. H. Res. 535, False Statements Accountability; and
6. H.R. 3497, Snoqualmie National Forest Boundary.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1688, E1691
Andrews, Robert E., N.J., E1683
Baldacci, John Elias, Maine, E1688, E1692
Chrysler, Dick, Mich., E1688, E1690, E1695
DeFazio, Peter A., Ore., E1691
Deutsch, Peter, Fla., E1682
Dixon, Julian C., Calif., E1681, E1686
Faleomavaega, Eni F.H., Am. Samoa, E1683
Filner, Bob, Calif., E1694
Flanagan, Michael Patrick, Ill., E1681
Fowler, Tillie K., Fla., E1687
Frelinghuysen, Rodney P., N.J., E1685
Goss, Porter J., Fla., E1691
Hamilton, Lee H., Ind., E1684
Hefley, Joel, Colo., E1686
Hoyer, Steny H., Md., E1687
Johnson, Nancy L., Conn., E1688
Johnson, Tim, S. Dak., E1683
Kanjorski, Paul E., Pa., E1681, E1682, E1686
Kaptur, Marcy, Ohio, E1689
Kim, Jay, Calif., E1687
Kleczka, Gerald D., Wis., E1682
Klink, Ron, Pa., E1692
Lipinski, William O., Ill., E1682
Meyers, Jan, Kans., E1685
Miller, George, Calif., E1692
Molinari, Susan, N.Y., E1689
Murtha, John P., Pa., E1681
Norton, Eleanor Holmes, D.C., E1690
Porter, John Edward, Ill., E1686
Poshard, Glenn, Ill., E1690
Stark, Fortney Pete, Calif., E1695
Thompson, Bennie G., Miss., E1692
Underwood, Robert A., Guam, E1693
Walker, Robert S., Pa., E1680
Young, Don, Alaska, E1679

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